

FARGO PLANNING COMMISSION AGENDA
Tuesday, May 2, 2023 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of April 4, 2023

C: Public Hearing Items:

- 1a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial, on the proposed **Veterans Industrial Park Addition**. (Located at 5385 19th Avenue North) (EagleRidge Development/Elwood Brand) (dk)
- 1b. Hearing on an application requesting a Plat of **Veterans Industrial Park Addition** (Major Subdivision) a plat of a portion of Southwest Quarter of Section 28, Township 140 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 5385 19th Avenue North) (EagleRidge Development/Elwood Brand) (dk)
- 2a. Hearing on an application requesting a Growth Plan Amendment on the proposed **Interstate Business District Addition** from Residential Area, Lower-to-Medium Density, Commercial, and Proposed Park to Industrial and Commercial. (Located at 4753 45th Street North and 4269 40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering) (dk)
- 2b. Hearing on an application requesting a Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed **Interstate Business District Addition**. (Located at 4753 45th Street North and 4269 40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering) (dk)
- 2c. Hearing on an application requesting a Plat of **Interstate Business District Addition** (Major Subdivision) a plat of a portion of the West Half of Section 15, Township 140 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 4753 45th Street North and 4269 40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering) (dk)
3. Hearing on an application requesting a Plat of **Green Acres Second Addition** (Minor Subdivision) a replat of part of Lots 1 and 3, all of Lot 2, Block 1, Green Acres Addition to the City of Fargo, Cass County, North Dakota. (Located at 2225, 2233, and 2237 13th Avenue South) (The Acme Investment Co./Neset Land Surveys, Inc) (lm)

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and can be seen live at www.FargoND.gov/streaming. They are rebroadcast each Wednesday at 8:00 a.m. and Sunday at 8:00 a.m.; and are also included in our video archive at www.FargoND.gov/PlanningCommission.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at www.FargoND.gov/planningcommission.

- 4a. Hearing on an application requesting a Zoning Change from P/I, Public and Institutional to P/I, Public and Institutional and GC, General Commercial with a C-O, Conditional Overlay on the proposed **Southwest Fargo Mission Second Addition**. (Located at 4451, 4455, and 4475 40th Avenue South) (4540 Investments, LLC/Christianson Companies) (Im)
 - 4b. Hearing on an application requesting a Plat of **Southwest Fargo Mission Second Addition** (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Southwest Fargo Mission Addition to the City of Fargo, Cass County, North Dakota, including a subdivision watercourse setback waiver. (Located at 4451, 4455, and 4475 40th Avenue South) (4540 Investments, LLC/Christianson Companies) (Im)
 - 4c. Hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lot 1 of the proposed **Southwest Fargo Mission Second Addition**. (Located at 4451, 4455, and 4475 40th Avenue South) (4540 Investments, LLC/Christianson Companies) (Im)
- D: Other Items:
- 1. Growth Plan Update

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, April 4, 2023

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, April 4, 2023.

The Planning Commissioners present or absent were as follows:

Present: Maranda Tasa, John Gunkelman, Art Rosenberg, Jennifer Holtz, Dawn Morgan, Thomas Schmidt, Brett Shewey

Absent: Rocky Schneider, Scott Stofferahn

Vice Chair Tasa called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Member Gunkelman moved the Order of Agenda be approved as presented. Second by Member Rosenberg. All Members present voted aye and the motion was declared carried.

Item B: Minutes: Regular Meeting of March 7, 2023

Member Holtz moved the minutes of the March 7, 2023 Planning Commission meeting be approved. Second by Member Schmidt. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Radio Addition

Hearing on an application requesting a Conditional Use Permit to allow industrial service uses in the GC, General Commercial zoning district on Lots 8, 9, and 10, Block 1, Radio Addition. (Located at 5710, 5750, and 5770 53rd Avenue South) (Four Horsemen, LLC/Rice Companies, Inc.): APPROVED WITH CONDITIONS

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on off-premise advertising, location of the application, surrounding property uses, and water drainage.

Planning and Development Director Nicole Crutchfield spoke on the Conditional Use Permit conditions and the process of the Commission if they wanted to add a condition.

Discussion continued regarding adding a condition to not allow off-premise advertising.

Member Gunkelman moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow industrial service use on Lots 8, 9, and 10, Block 1, Radio Addition be approved as outlined within the staff report, with the addition of a condition to not allow off-premise advertising, as the proposal complies with the 2007 Growth Plan, the Standards of Section 20-0909.D of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following conditions:

1. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.
2. No outdoor storage of equipment or supplies.
3. Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have an all-weather surface, as defined by the Land Development Code.
4. The manufacturing, production, or processing of food and/or animal products shall not be permitted.
5. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
6. Any expansion of the industrial service use, other than the future building addition indicated on the site plan, shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
7. The Conditional Use Permit shall terminate if all industrial uses cease for a period of more than 12 consecutive months.
8. Off-premise advertising shall not be allowed.

Second by Member Morgan. On call of the roll Members Holtz, Rosenberg, Morgan, Schmidt, Shewey, Gunkelman, and Tasa voted aye. Absent and not voting: Members Stofferahn and Schneider. The motion was declared carried.

Item 2: Radio Second Addition

Hearing on an application requesting a Plat of Radio Second Addition (Major Subdivision) a replat of Lots 1-10, Block 1, Radio Addition to the City of Fargo, Cass County, North Dakota and a vacation of part of 53rd Avenue South lying westerly of the west right-of-way line of Veterans Boulevard. (Located at 5709,

5710, 5729, 5739, 5750, 5759, 5769, 5770, 5789, 5790 53rd Avenue South) (Four Horseman, LLC/MBN Engineering, Inc.): APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the private drive and access to the property, and the size of the easement and paved road.

Applicant Representative Tony Eukel, MBN Engineering, spoke on behalf of the application.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Radio Second Addition, as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Shewey. On call of the roll Members Gunkelman, Holtz, Shewey, Morgan, Schmidt, Rosenberg, and Tasa voted aye. Absent and not voting: Members Schneider and Stofferahn. The motion was declared carried.

Item D: Other Items:

Item 1: Continued hearing on an application requesting a PUD, Planned Unit Development, Final Plan within the boundaries of Duane's Pizza Addition. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC): APPROVED

A Hearing had been set for January 3, 2023. At the January 3, 2023 meeting, the Hearing was continued to this February 7, 2023. At the February 7, 2023 meeting, the Hearing was continued March 7, 2023. At the March 7, 2023 meeting, the Hearing was continued to this date and time.

Planner Brad Garcia presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on walking paths and the drive-thru's.

Ms. Crutchfield spoke on the location of the proposed path along University Drive.

Member Rosenberg moved the findings and recommendations of staff be accepted and the PUD, Planned Unit Development Final Plan for Duane's Pizza Addition be approved, as outlined within the staff report, as the proposal complies with the PUD, Planned Unit Development, Master Land Use Plan, Section 20-0918.D of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schmidt. On call of the roll Members Morgan, Schmidt,

Gunkelman, Rosenberg, Holtz, Shewey, and Tasa voted aye. Absent and not voting: Members Schneider and Stofferahn. The motion was declared carried.

Item 2: Planning Commission review of a Renewal Plan for the property located in the 600 Block of NP Avenue North: APPROVED

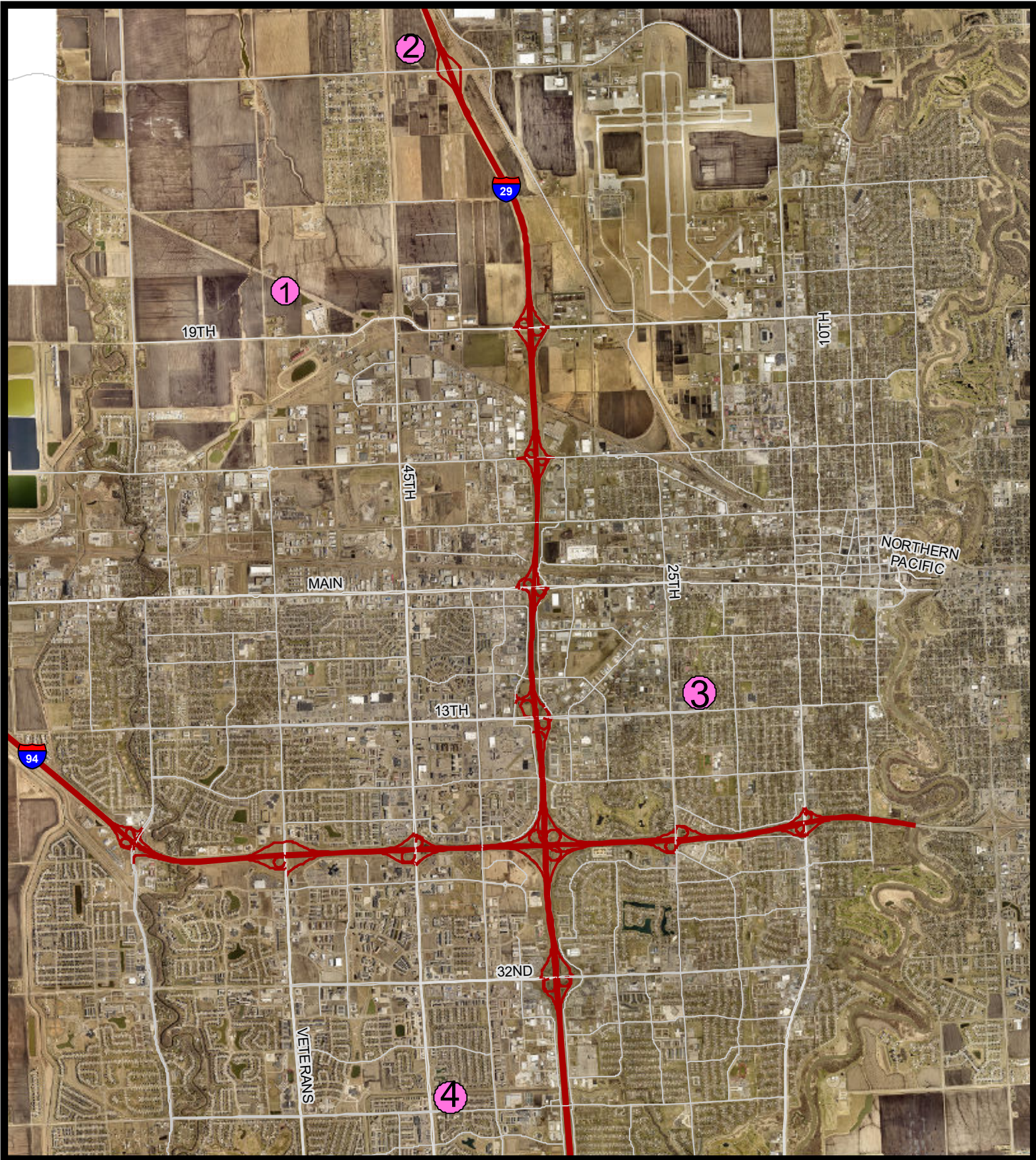
Strategic Planning and Research Director Jim Gilmour provided a brief presentation of the renewal plan.

Discussion was held on the boundaries of the renewal plan, the Planning Commissions role in renewal plans, and the phases and developers of the project.

Member Morgan moved to recommend to the City Commission that the proposed Renewal Plan is consistent with the GO2030 Comprehensive Plan of the City of Fargo and the Downtown InFocus Plan. Second by Member Rosenberg. On call of the roll Members Gunkelman, Holtz, Rosenberg, Morgan, Shewey, Schmidt, and Tasa voted aye. Absent and not voting: Member Stofferahn and Schneider. The motion was declared carried.

Member Rosenberg moved to adjourn the meeting. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

The time at adjournment was 3:39 p.m.



THE CITY OF
Fargo
FAR MORE

Agenda Items Map
Fargo Planning Commission
May 2, 2023



Agenda Item Number

- 1 -- Veterans Industrial Park Addition
- 2 -- Interstate Business District Addition
- 3 -- Green Acres Second Addition
- 4 -- Southwest Fargo Mission Second Addition

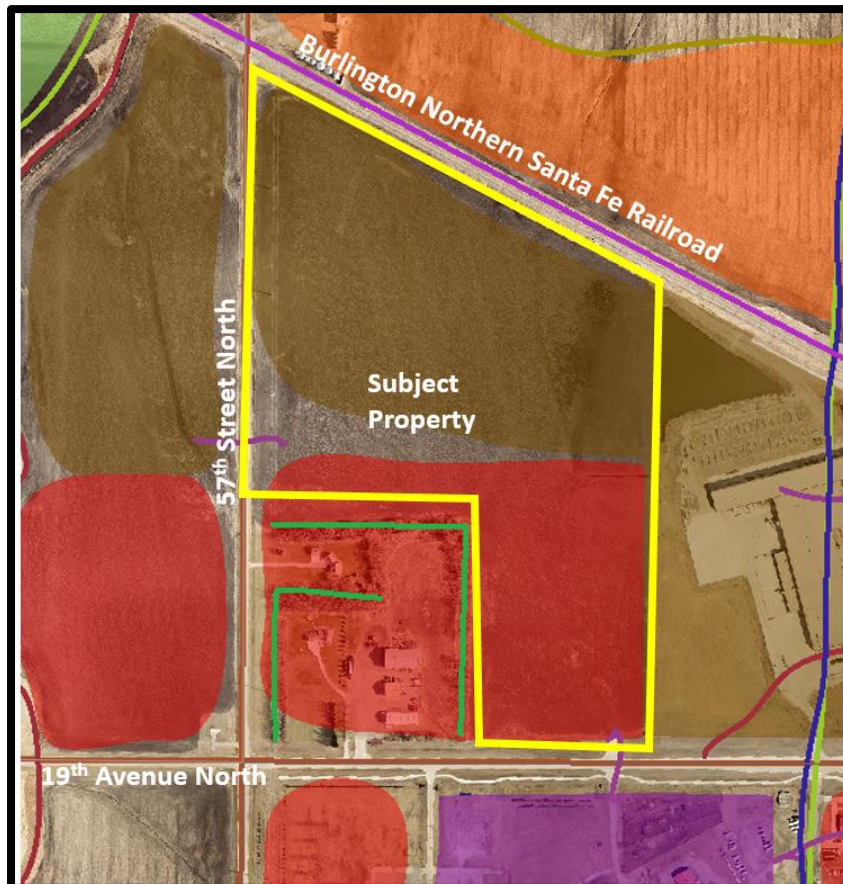
0 0.4 0.8 1.6 2.4 3.2 Miles

City of Fargo Staff Report			
Title:	Veterans Industrial Park Addition	Date:	4/27/2023
Location:	5385 19th Avenue North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of the Southwest 1/4 of Section 28, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Elwood J. Brand / Jon Youness, EagleRidge Development	Engineer:	Mead & Hunt
Entitlements Requested:	Major Subdivision (Plat of Veterans Industrial Park Addition , a plat of a Portion of the Southwest 1/4 of Section 28, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota), and a Zoning Change (from AG, Agricultural to LI, Limited Industrial)		
Status:	Planning Commission Public Hearing: May 2 nd , 2023		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Industrial	
Zoning: AG, Agricultural		Zoning: LI, Limited Industrial	
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities	
Maximum Density Allowed (Residential): AG allows 1 dwelling unit per 10 acres.		Maximum Lot Coverage Allowed: 85%	
Proposal:			
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled Veterans Industrial Park Addition, a plat of a Portion of the Southwest 1/4 of Section 28, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota 2. A zoning change from AG, Agricultural to LI, Limited Industrial. <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: (across railroad) AG, Agricultural; undeveloped • East: GI, General Industrial; Mid-America Steel • South: P/I, Public / Institutional; North Dakota Horse Park • West: (across 57th Street North) AG; undeveloped; in Fargo's four-mile extra-territorial jurisdiction. 			
(continued on next page)			

Area Plans:

The subject property is located within the Tier 1 North West area of the 2007 Future Land Use Plan. This plan designates the subject property as "Industrial" and "Commercial." The proposed zoning of LI, Limited Industrial is consistent with this "Industrial" land use designation. Staff determined a growth plan amendment to change the portion of the subject property designated as "Commercial" to "Industrial" was not necessary, as

1. The boundaries of the designated areas on growth plan maps are generally not sharp boundaries, and
2. The property on the corner of 19th Avenue and 57th Street North, currently a farmstead, may redevelop as a commercial property in the future, though there are no plans to do so at this time.



Proposed Land Uses

- Residential Area - lower to medium density
- Residential Area - medium to high density
- Residential Area - rural
- Commercial Area
- Industrial Area
- Agricultural Research

Context:

Schools: The subject property is located within the West Fargo School District and is served by Harwood Elementary, Cheney Middle and West Fargo High schools.

Neighborhood: The subject property is not located within a designated neighborhood.

Parks: There are no Fargo Park District parks within one mile of the subject property.

Pedestrian / Bicycle: A 10-foot wide multi-use path is located on the south side of the 19th Avenue North right of way, across 19th Avenue from the subject property.

MATBUS Route: The subject property is not on a MATBUS route at this time.

Staff Analysis:

MAJOR SUBDIVISION AND ZONING CHANGE

The subdivision plat creates 10 lots in three blocks. The lots in Blocks 1 and 2 are intended for industrial development. The single lot in Block 3 is intended for an off-premise advertising sign, either owned by the sign company or by the developer, who will be responsible for the maintenance of the lot.

All 10 lots are proposed to be zoned LI, Limited Industrial, which will accommodate the proposed industrial development and signage.

ACCESS: The subdivision will take access from 19th Avenue North by way of 53rd Street North, dedicated with this subdivision. The subdivision will also take access from 57th Street North by way of 23rd Avenue North, dedicated with this subdivision.

There is no opportunity for street or pedestrian connections to the north across the railroad tracks. There is no existing street on the property adjacent property to the east to continue. The existing farmstead precludes additional east/west and north/south access. The applicant is limited to one access point on 19th Avenue North, which will be 53rd Street as shown on the plat, and one access point on 57th Street, which will be 23rd Avenue as shown on the plat.

PUBLIC WATER and SEWER: Public water and sewer will be provided in the dedicated public streets.

CONCURRENT ANNEXATION

The subject property is currently in Fargo's four-mile extra-territorial jurisdiction, and is included in a pending City-initiated annexation. The annexation will go through the review and approval process concurrently with this subdivision and zone change. The property will not be developed until the annexation is complete.

Zoning

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG: Agricultural and is within Fargo's four-mile extra-territorial jurisdiction. In order to be developed, the property has to be annexed, platted, and zoned. Now that development is proposed, the applicant requests a zoning change to LI, Limited Industrial, which is consistent with the 2007 Growth Plan land use designations for this property as noted above. **(Criteria Satisfied)**
2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on an existing public right-of-way. Additional dedications will widen the right of way and extend it the full length of the proposed lots. **(Criteria satisfied)**
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. There were no concerns. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.” The Growth Plan that applies to this property is the 2007 Growth Plan, which designates the land uses for this property as “industrial” and “commercial.” The proposed zoning of LI, Limited Industrial is consistent with these land use designations as noted above. **(Criteria satisfied)**

Major Subdivision

The LDC stipulates that the following criteria is met before a major subdivision plat can be approved

1. Section 20-0907.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.

The requested zoning for the industrial development on this property is LI, Limited Industrial, which is consistent with the “industrial” land use designation of the 2007 Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

2. Section 20-0907.C.4.c of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The property is proposed to be zoned LI, Limited Industrial. As noted in the zone change findings above, this zone is consistent with the 2007 Growth Plan designations for this property. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

3. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to LI, Limited Industrial, and 2) a plat of the **Veterans Industrial Park Addition**, as presented, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4), 20-0907.C, and 2907.D.3 (a-c), of the LDC and all other applicable requirements of the LDC.”

Planning Commission Recommendation: May 2nd, 2023

Attachments:

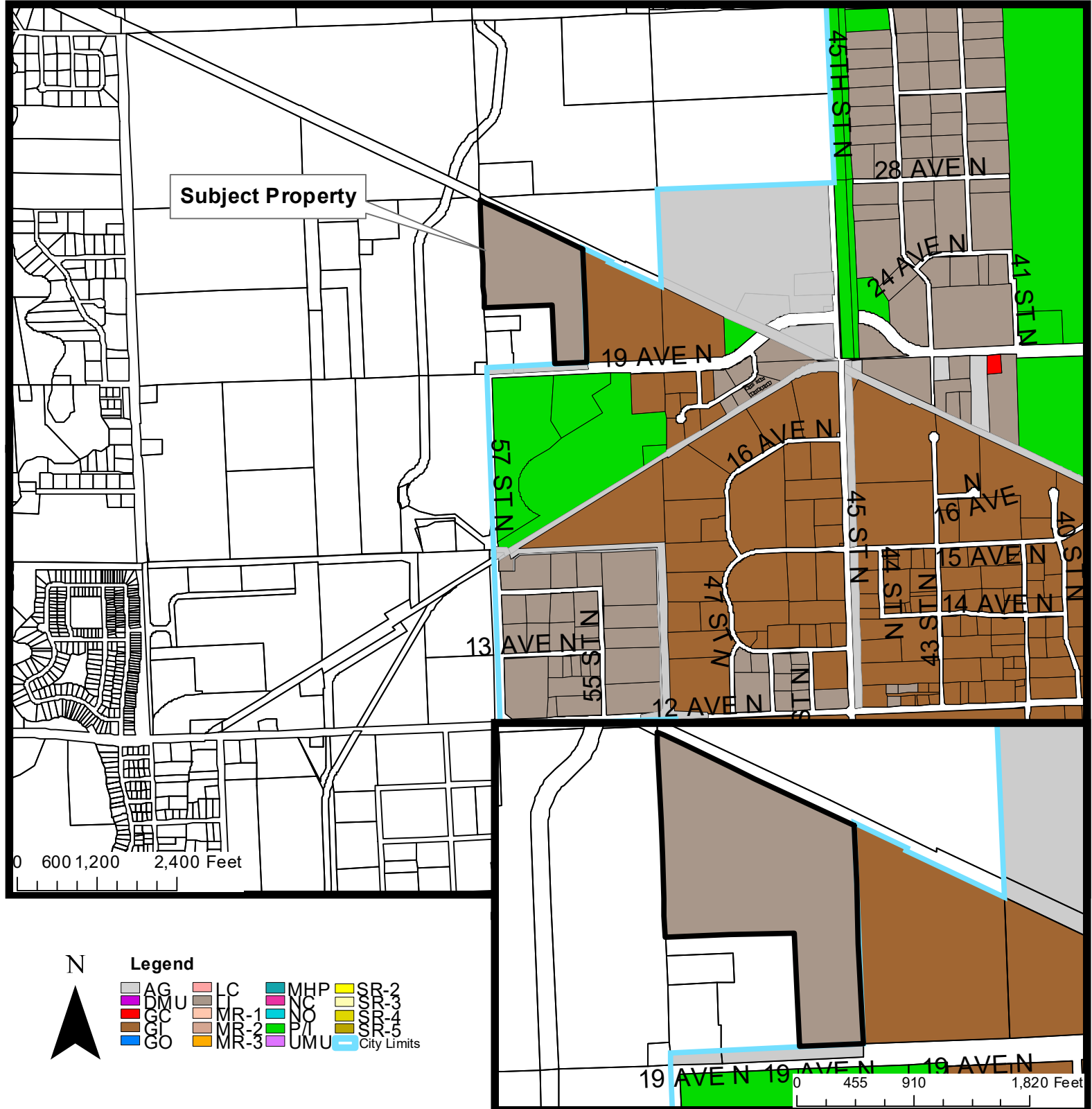
1. Zoning map
2. Location map
3. Preliminary plat

Fargo Planning Commission
May 2, 2023

Major Subdivision & Zone Change from AG, Agricultural to LI, Limited Industrial

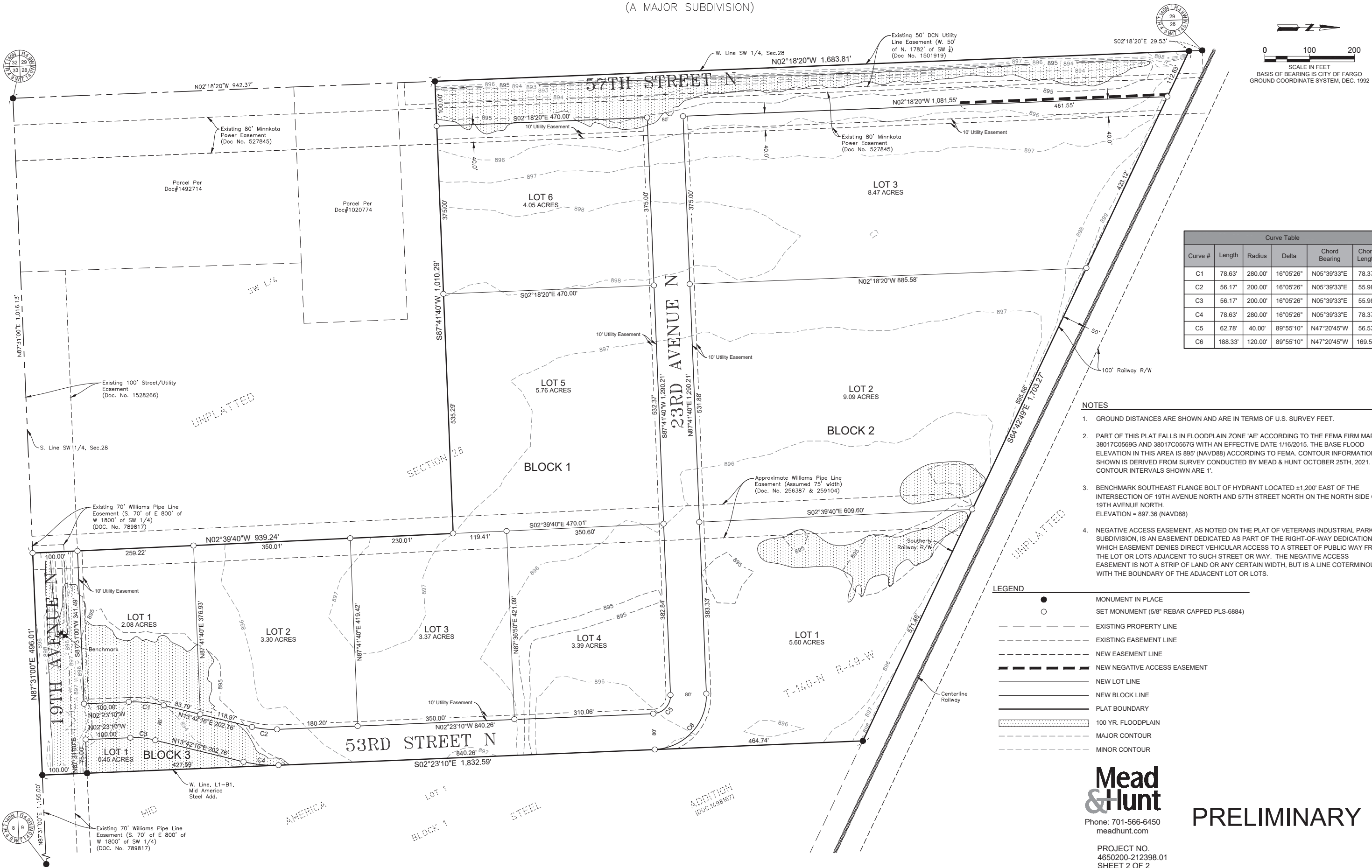
Veterans Industrial Park Subdivision

5385 19th Avenue North



VETERANS INDUSTRIAL PARK SUBDIVISION

A PLAT OF PART OF THE SOUTHWEST QUARTER SECTION 28, TOWNSHIP 140 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	78.63'	280.00'	16°05'26"	N05°39'33"E	78.37'
C2	56.17'	200.00'	16°05'26"	N05°39'33"E	55.98'
C3	56.17'	200.00'	16°05'26"	N05°39'33"E	55.98'
C4	78.63'	280.00'	16°05'26"	N05°39'33"E	78.37'
C5	62.78'	40.00'	89°55'10"	N47°20'45"W	56.53'
C6	188.33'	120.00'	89°55'10"	N47°20'45"W	169.59'

- NOTES
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO THE FEMA FIRM MAPS 38017C0569G AND 38017C0567G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 895' (NAVD88) ACCORDING TO FEMA. CONTOUR INFORMATION SHOWN IS DERIVED FROM SURVEY CONDUCTED BY MEAD & HUNT OCTOBER 25TH, 2021. CONTOUR INTERVALS SHOWN ARE 1'.
 - BENCHMARK SOUTHEAST FLANGE BOLT OF HYDRANT LOCATED ±1,200' EAST OF THE INTERSECTION OF 19TH AVENUE NORTH AND 57TH STREET NORTH ON THE NORTH SIDE OF 19TH AVENUE NORTH. ELEVATION = 897.36 (NAVD88)
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF VETERANS INDUSTRIAL PARK SUBDIVISION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

- LEGEND
- MONUMENT IN PLACE
 - SET MONUMENT (5/8" REBAR CAPPED PLS-6884)
 - EXISTING PROPERTY LINE
 - EXISTING EASEMENT LINE
 - NEW EASEMENT LINE
 - NEW NEGATIVE ACCESS EASEMENT
 - NEW LOT LINE
 - NEW BLOCK LINE
 - PLAT BOUNDARY
 - 100 YR. FLOODPLAIN
 - MAJOR CONTOUR
 - MINOR CONTOUR

Mead & Hunt

Phone: 701-566-6450
meadhunt.com

PRELIMINARY

PROJECT NO.
4650200-212398.01
SHEET 2 OF 2

VETERANS INDUSTRIAL PARK SUBDIVISION

A PLAT OF PART OF THE SOUTHWEST QUARTER SECTION 28, TOWNSHIP 140 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

OWNER'S CERTIFICIATE

KNOW ALL PERSONS BY THESE PRESENTS, That ELWOOD J BRAND ETAL is the owner of a parcel of land located in that part of the Southwest Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Commencing at the northwest corner of said Southwest Quarter; thence South 02 degrees 18 minutes 20 seconds East, an assumed bearing, on the west line of said Southwest Quarter, 29.53 feet to the southerly Railway Right-of-Way line and the point of beginning; thence South 64 degrees 42 minutes 49 seconds East on said Right-of-Way line, 1,703.27 feet to the northwest corner of Lot 1, Block 1 of Mid America Steel Addition to the City of Fargo, on file and of record as Cass County document # 1498167; thence South 02 degrees 23 minutes 10 seconds East on the west line of said Addition, 1,832.59 feet to the southwest corner of said Addition also being a point on the south line of said Southwest Quarter; thence South 87 degrees 31 minutes 00 seconds West on said south line, 496.01 feet; thence North 02 degrees 39 minutes 40 seconds West, 939.24 feet; thence South 87 degrees 41 minutes 40 seconds West, 1,010.29 feet to said west line; thence North 02 degrees 18 minutes 20 seconds West on said west line, 1,683.81 feet to the point of beginning.

Containing 55.43 acres, more or less.

Said owners of the above described property, have caused the same to be surveyed and platted as "**VETERANS INDUSTRIAL PARK SUBDIVISION**" and does hereby dedicate to the public, for public use, all streets, avenues and utility easements shown on this plat, except those easements as shown hereon as "Existing".

OWNER

ELWOOD J BRAND ETAL

XXXXXX XXXXXX, XXXXXX

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20 __, appeared before me, XXXXXX XXXXXX, XXXXXX, ELWOOD J BRAND ETAL, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Jason Ness, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this ____ day of _____, 20 ____.

Jason Ness, PLS
Professional Land Surveyor
Registration No. LS-6884

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20 __, appeared before me, Jason Ness, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____ 20 ____.

Rocky Schneider
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20 __, before me, a notary public in and for said county, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ____ day of _____ 20 ____.

Timothy J. Mahoney
Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20 __, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this ____ day of _____ 20 ____.

Brenda E. Derrig, P.E.
City Engineer

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20 __, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, P.E., City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public



Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4650200-212398.01
SHEET 1 OF 2

PRELIMINARY

City of Fargo Staff Report			
Title:	Interstate Business District Addition	Date:	4/27/2023
Location:	4753 45th Street North and 4269 40th Avenue North.	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	ARD Properties, LLC; North Fargo Land, LLC / Tony Eukel, MBN Engineering	Engineer:	Mead & Hunt
Entitlements Requested:	Major Subdivision (Plat of Interstate Business District Addition, a plat of a Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota), a Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial; and a Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional		
Status:	Planning Commission Public Hearing: May 2 nd , 2023		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Industrial; commercial; government-owned	
Zoning: AG, Agricultural; LI, Limited Industrial with a conditional overlay, Ordinance No. 4020		Zoning: LI, Limited Industrial, with C-O; GC, General Commercial with C-O; P/I, Public/Institutional	
<p>Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production</p> <p>Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities</p> <p>C-O prohibits certain uses as shown above</p>		<p>Uses Allowed:</p> <p><u>LI—Limited Industrial</u> allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities</p> <p><u>GC – General Commercial</u> allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and some telecommunication facilities.</p> <p><u>P/I – Public and Institutional</u> allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.</p> <p>C-O prohibits certain uses in GC and as shown above</p>	
AG--Maximum Density Allowed (Residential): 1 dwelling unit per 10 acres. LI--Maximum Lot Coverage Allowed: 85%		LI--Maximum Lot Coverage Allowed: 85% GC--Maximum Lot Coverage Allowed: 85% P/I--Maximum Lot Coverage Allowed: no maximum	
(continued on next page)			

Proposal:

The applicant requests three entitlements:

1. A major subdivision, entitled **Interstate Business District Addition**, a plat of a Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota
2. A **Growth Plan Amendment** from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial; and
3. A **Zoning Change** from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional

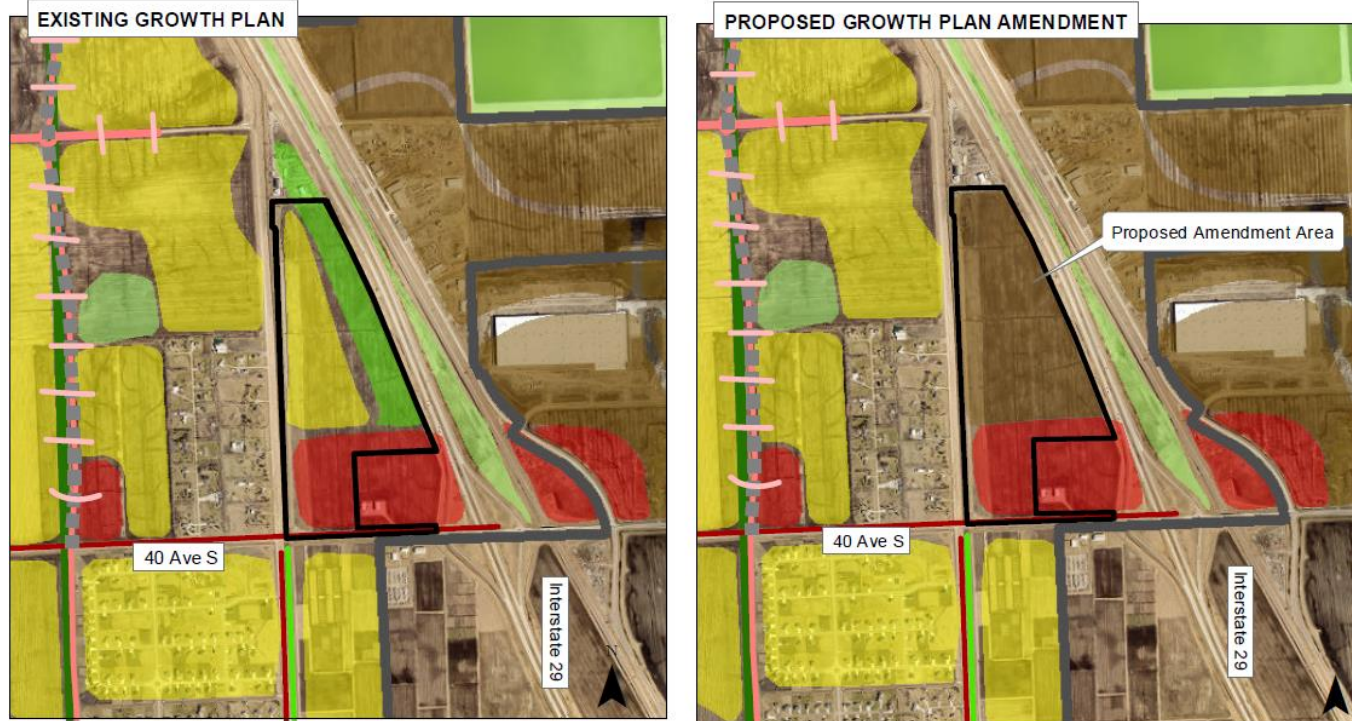
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

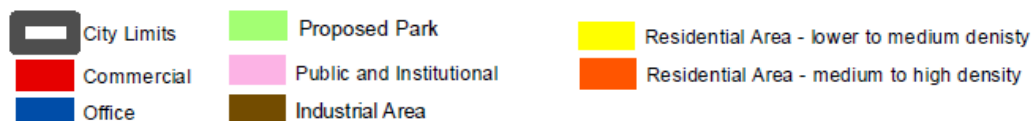
- North: LI, Limited Industrial with conditional overlay; Opp Construction Company
- East: No zoning; Interstate 29 right of way (adjacent to proposed Lots 9-15); and
- East: AG, Agricultural; fireworks sales (adjacent to proposed Lot 1)
- South: (across 40th Avenue North within city limits) P/I, Public / Institutional; North Dakota State University with agricultural uses; and
- South: (across 40th Avenue North, outside city limits) Reile's Acres extra-territorial jurisdiction; undeveloped.
- West: (across 45th Street North, outside city limits) Reile's Acres extra-territorial jurisdiction; large lot rural residential uses.

Area Plans:

The subject property is located within the 2007 Future Land Use Plan. This plan designates the subject property as "Commercial," "Residential Area—Lower to Medium Density," and "Proposed Park." The applicant proposes to amend the growth plan to change the land use designation to "Industrial" and "Commercial" as indicated in the graphics below. Specific findings for the growth plan amendment and a summary of the growth plan amendment neighborhood open house are below.



2007 Growth Plan



Context:

Schools: The subject property is located within the Fargo School District and is served by Washington Elementary, Benjamin Franklin Middle and Fargo North High schools.

Neighborhood: The subject property is not located within a designated neighborhood.

Parks: The Northern Softball Complex is approximately 0.45 mile northeast of the subject property; however, this park is across Interstate 29 and would require an approximately 1.25 mile trip to access it.

Pedestrian / Bicycle: There are no on-road or off-road bike facilities adjacent to this property.

MATBUS Route: The subject property is not on a MATBUS route at this time.

Staff Analysis:

NOTE: In the analysis below, the term "SE Cass" refers to the Southeast Cass Water Resources District, which owns the drainage channels in this portion of Cass County. The abbreviation "ETJ" means "extra-territorial jurisdiction," the area outside of a city's limits over which that city has planning and zoning jurisdiction. The abbreviation "LDC" means Fargo's Land Development Code.

MAJOR SUBDIVISION AND ZONING CHANGE

The subdivision plat creates 15 lots in one block, zoned as shown in the chart below:

Lot Numbers	Zoning	Note
3 through 7 and 9 through 15	LI, Limited Industrial with conditional overlay	
1	GC, General Commercial with conditional overlay	
2	P/I, Public/Institutional	Will be acquired by City of Fargo as a stormwater detention basin
8	P/I, Public/Institutional	Will be dedicated to SE Cass Water Resources District

CONDITIONAL OVERLAYS

Both the LI and GC zones are proposed to have conditional overlays (C-O's). These C-O's provide additional land use regulations specific to this project intended to make the project more compatible with its context. A general overview of the C-O's is below; the draft C-O's are attached. Approval of these C-O's is part of the overall approval for the zoning for this project.

C-O for LI: Prohibits certain uses that would otherwise be allowed by right in the LI zone; provides buffering on LI-zoned lots on the west side of the subdivision, and restricts off-premise signage along the I-29 property frontage to no more than four billboards. Staff notes that without this restriction, a maximum of eight billboards could be installed on the lots along the subdivision's I-29 property frontage.

C-O for GC: Prohibits certain uses that would otherwise be allowed by right in the GC zone; prohibits off-premise signage; provides buffering.

ACCESS—DEDICATED PUBLIC STREET: The subdivision will take access from 40th Avenue North and 45th Street North. The subdivision dedicates 44rd Street North, from which all the lots in the subdivision will take access. The northerly end of 44rd will cross Drain 40, which is adjacent to the subdivision, by way of a box culvert crossing. An easement from SE Cass is required in order to construct this crossing.

Access to the lots in the subdivision will be provided only by 44th Street. The east side of the subdivision is bordered by Interstate 29 right of way; there can be no direct access to the lots from this right of way or I-29. The west side of the subdivision is bordered by a 92.25 foot wide lot, Lot 8, which will be dedicated to SE Cass and is not developable. This lot is adjacent to Cass County Drain 40. The only access across the drain and Lot 8 will be provided at 44th Street. Additionally, there are no pedestrian routes or trails to connect to along the east or west sides of the subdivision.

ACCESS—TRANSITION FROM EXISTING GRAVEL ROAD: An existing gravel road along the west side of the subject property provides access to Opp Construction, adjacent to the northern boundary of the subject property. The applicant is working to create an agreement between his company, the SE Cass, and Opp Construction to guarantee that access to Opp Construction is provided at all times, including how the transition from access provided by this

gravel road to access provided by 43rd Street will be timed. City staff will review this agreement prior to the City Commission hearing on this project. The City will not be a party to this agreement.

ACCESS—40th AVENUE NORTH / CASS COUNTY HIGHWAY 20: The Cass County Highway Department has jurisdiction over 40th Avenue North, which is also Cass County Highway 20. The Cass County Engineer is evaluating the need for turn lanes and bypass lanes to be installed on 40th Avenue North at the time 44th Street is installed. Construction of these additional lanes will be the responsibility of the developer. The subdivision includes a 100-foot right of way dedication on the north side of 40th Avenue. A negative access easement, as depicted on the plat, will prohibit direct access to lots from 40th Avenue North.

PUBLIC WATER and SEWER: Public water and sewer to serve the lots in the subdivision will be provided in the dedicated public street. Additionally, a large-diameter City of Fargo water line will run north along 44th Street and thence northeast in an easement between Lots 9 and 10 and out of the subdivision. This water line is part of a redundant water loop that is part of the City's overall water distribution system.

175 FOOT DRAIN SETBACK: Land Development Code Section 20-0610.F requires that no subdivision may be approved without a notation and delineation of an area 175 feet from the centerline of any legal drain and the applicant for subdivision approval will be required to dedicate such areas to the public for purposes of such drain. This plat accounts for this dedication by dedicating Lot 8, Block 1, to SE Cass.

PROXIMITY AGREEMENT: A proximity agreement for the subdivision will be signed by the applicant. This is a standard agreement between the City of Fargo and owners of property in close proximity to Hector International Airport. With this agreement, the property owner acknowledges the existence of this facility and the potential for aircraft noise. The City Commission will take final action on this agreement. No action is required by the Planning Commission. No attachment is included with this packet.

GROWTH PLAN AMENDMENT

In order to allow the proposed LI, Limited Industrial zoning, the underlying growth plan, the 2007 Growth Plan, must be amended to change the land use designation for this property from Residential Area, Lower to Medium Density and Proposed Park to Industrial. Findings for the growth plan amendment are below.

NEIGHBORHOOD MEETING AND NEIGHBORHOOD COMMENT LETTERS

Pursuant to Land Development Code Section 20-0905.E, a public open house is required for a proposed growth plan amendment. The intent of this open house is to allow residents and property owners in the area an opportunity to meet with the developer to review and comment on the proposed growth plan amendment. This meeting was held on Thursday, April 20th, at City Hall. Property owners within a 300 foot radius of the subject property were notified by mail of this meeting, as required by the code section noted above. There were nine attendees at this meeting. All but one were residents of Reile's Acres ETJ, which is west across 45th Street North from the subject property. One was a property owner adjacent to the north of the subject property. The applicant and three members of his development team also attended. The meeting was managed by Planning Department staff.

Following that meeting, Planning staff received nine letters and e-mails from the nearby residential property owners. Copies of these letters and e-mails are attached. Note that several of these letters are similar and have multiple signatures from over 30 property owners in the nearby area.

The neighborhood residents had several comments on the proposed development, including:

- The change from the current least intense land use designations development to the most intense land use designation seems a drastic change.
- Industrial uses will create dust, light, and noise pollution. Particularly, residents are concerned with the concrete crushing operation that the applicant proposes to operate seasonally on the west side of the subdivision.
- Sufficient buffering must be provided on industrial lots that face the residences on the west side of 45th Street North.
- Traffic and safety—this subdivision will bring additional traffic, including heavy truck traffic, to 40th Avenue North. Additionally, due to the configuration of 44th Street, traffic will have access to 45th Street which could increase the traffic load on that road, which is currently a rural gravel road.
- Resale value of these residential properties will be negatively affected.

Growth Plan Evaluation Criteria: Section 20-0905(H) of the LDC states that the Planning Commission and City Commission shall consider whether the Growth Plan is consistent with and serves to implement adopted plans and policies of the city.

The 2007 Growth Plan sets forth the following criteria that should be used to evaluate any proposed growth plan amendment:, including amendments to previous growth plans:

Is the proposed change consistent with surrounding land uses, both existing and future?

The area included in the proposed growth plan amendment is smaller than the overall subject property, as depicted on the “Existing / Proposed” growth plan map above.

- Adjacent to the north of the amendment area is an industrial-developed property (Opp Construction) that is in Fargo’s ETJ.
- Adjacent to the east of the amendment area is the right of way for Interstate 29, owned by the state of North Dakota.
- To the south of the amendment area, the growth plan designation of “Commercial” is the existing growth plan designation and is not proposed to be amended.

In terms of compatibility, the proposed industrial land use designation is compatible on the north and east sides. The south, the transition from industrial to commercial closer to an arterial street (40th Avenue North) is compatible.

To the west, the amendment area is in a situation that is rarely encountered in that it is close to existing large lot rural residential development in the extra-territorial jurisdiction of another city (Reile’s Acres). In terms of compatibility, industrial development is not often found near to such residential development. However, the proposed industrial development is separated from that residential area by Cass County Drain 40 and 45th Street North right of way, a distance of approximately 170 feet. Additionally, a 92-foot wide lot on the entire west side of the proposed development will be dedicated to Southeast Cass Water Resources District (generally referred to as “SE Cass”). This lot is for the protection of Cass County Drain 40 and is undevelopable. This increases the separation between residential and industrial uses to over 230 feet. Further, the conditional overlay for the industrial lots that are across from this residential development requires a berm and double-row tree buffer to be installed at the time of development on those lots. The depth of this buffer will add approximately another 20 feet of separation between the residential and industrial land uses. This approximately 250 foot separation, with buffering, is intended to mitigate the effects of the industrial development in relation to the existing residential development to the west.

North of the Reile’s Acres ETJ area to the west of the amendment area is an undeveloped area of Fargo’s ETJ. The current land use designation on that area is “low density residential.” This area is in Tier 2 of the 2007 growth plan and is not expected to be developed until after 2027 and perhaps not until 2057. **(Criteria Satisfied)**

Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.

There are no existing streets within the subject property. The growth plan does not indicate any intended street alignments within the subject property. The proposed subdivision will dedicate a public street (44th Street) from which all lots in the subdivision will take access. This will be a local street and will provide an additional connection between 40th Avenue North to 45th Street North, which already intersect at the southwest corner of the subject property. It is not intended that new land uses develop as a result of this new street. **(Criteria Satisfied)**

How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?

The area east of I-29 and north of 40th Avenue North has been developed as industrial, mainly with large warehouses and distribution centers, although all the uses in the LI, Limited Industrial zone are permitted in this area. The proposed growth plan change would allow industrial development on the west side of I-29. This development could include the uses permitted in the LI zone, other than those prohibited by the proposed conditional overlay. As noted above, separation distance and buffering are intended to mitigate the effects of the industrial development in relation to the existing large lot rural residential development west of 45th Street North, west of the subject property. **(Criteria Satisfied)**

(continued on next page)

How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?

The proposed change provides property for industrial development that has convenient access to the interstate, and east/west arterial road (40th Avenue North), and City utilities (extended through 44th Street North). Such industrial property is important for the long-term sustainability of the City.

There is no opportunity for pedestrian access on the east or west due to the Cass County Drain 40 and I-29 right of way. Future development or redevelopment of 40th Avenue may include a multi-use path.

(Criteria Satisfied)

Zoning

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG: Agricultural. The applicant proposes zoning of LI, Limited Industrial and GC, General Commercial, both with conditional overlays, and P/I, Public/Institutional for the lots that will be owned by government entities. The 2007 Land Use Plan applies to the subject property, as noted above. The GC zoning is consistent with the existing "Commercial" land use designation on the portion of the subject property that will be occupied by Lot 1. The LI zoning will be consistent with the amended growth plan designation of "Industrial" for the remainder of the property. The P/I zoning for government-owned property can be applied under any land-use designation. **(Criteria Satisfied)**

Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The plat will dedicate public right of way (44th Street North) through which access and public utilities will be provided. **(Criteria satisfied)**

Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received the comment letters noted above. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity.

(Criteria satisfied)

Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Growth Plan. With the approval of the growth plan amendment noted above, the proposed zoning of Limited Industrial, General Commercial (both with conditional overlays) and Public Institutional will be consistent with these land use designations. **(Criteria satisfied)**

Major Subdivision

The LDC stipulates that the following criteria is met before a major subdivision plat can be approved

Section 20-0907.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.

The requested zoning for this subdivision is LI, Limited Industrial with conditional overlay; GC, General Commercial with conditional overlay; and P/I, Public Institutional, which will be consistent with the amended 2007 Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received the comments noted above. **(Criteria Satisfied)**

Section 20-0907.C.4.c of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The property is proposed to be zoned LI, Limited Industrial with conditional overlay; GC, General Commercial with conditional overlay; and P/I, Public Institutional. As noted in the zone change findings above, this zone is consistent

with the amended 2007 Growth Plan designations for this property. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.

The applicant has provided a draft amenities plan that specifies the terms of securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial; 2) Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional; and 3) major subdivision, entitled **Interstate Business District Addition**, as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4), 20-0905(H), and 20-0907.C of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: May 2nd, 2023

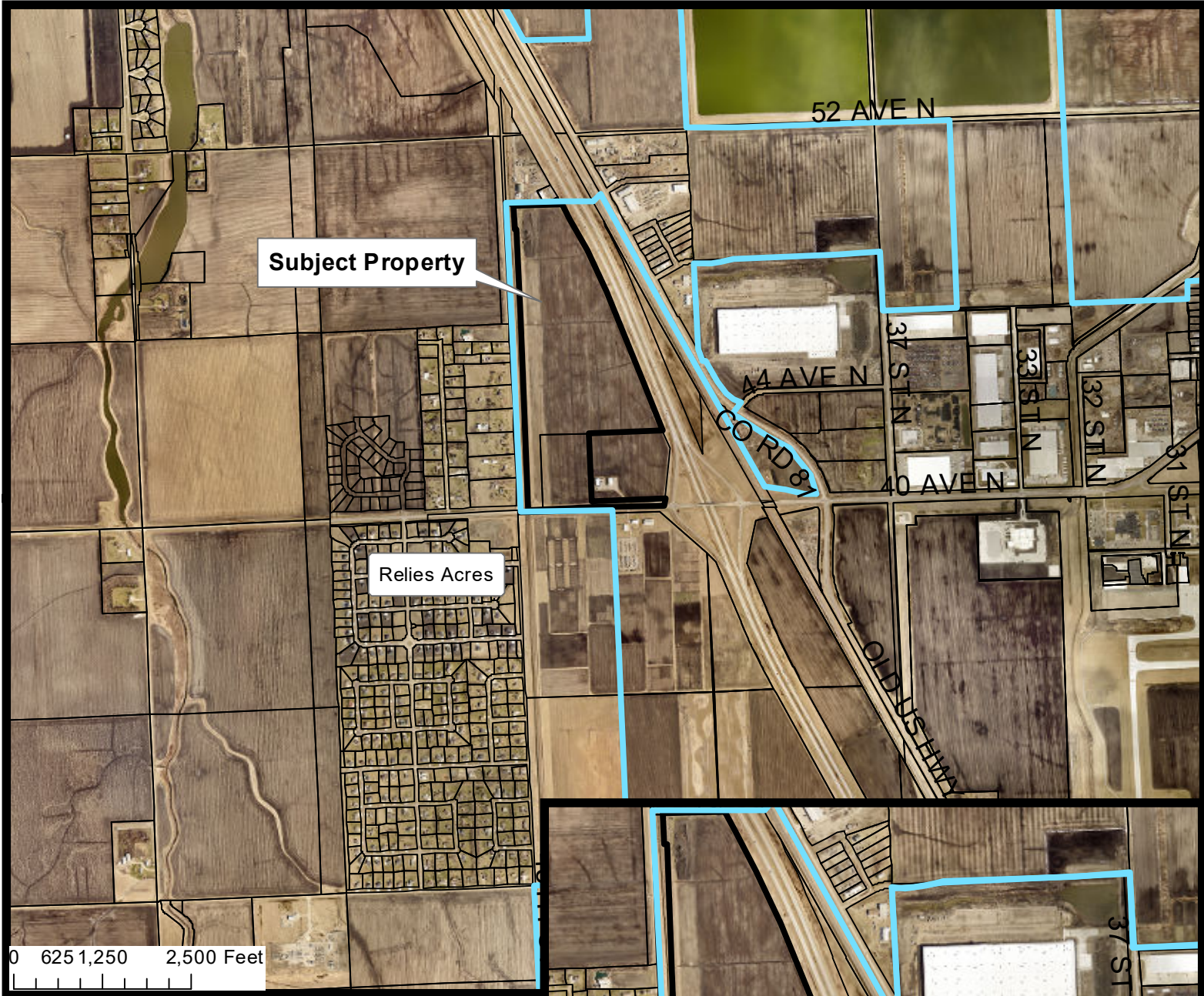
Attachments:

1. Location map
2. Zoning map
3. Growth plan amendment map
4. Preliminary plat
5. Draft conditional overlay
6. Public comment letters

Major Subdivision, Zone Change from AG, Agricultural and LI, Limited Industrial with a Conditional Overlay to Limited Industrial and General Commercial with a Conditional Overlay and P/I, Public/Institutional; Growth Plan Amendment from Commercial, Residential Area—Lower to Medium Density and Proposed Park to Industrial and Commercial

Interstate Business District Addition

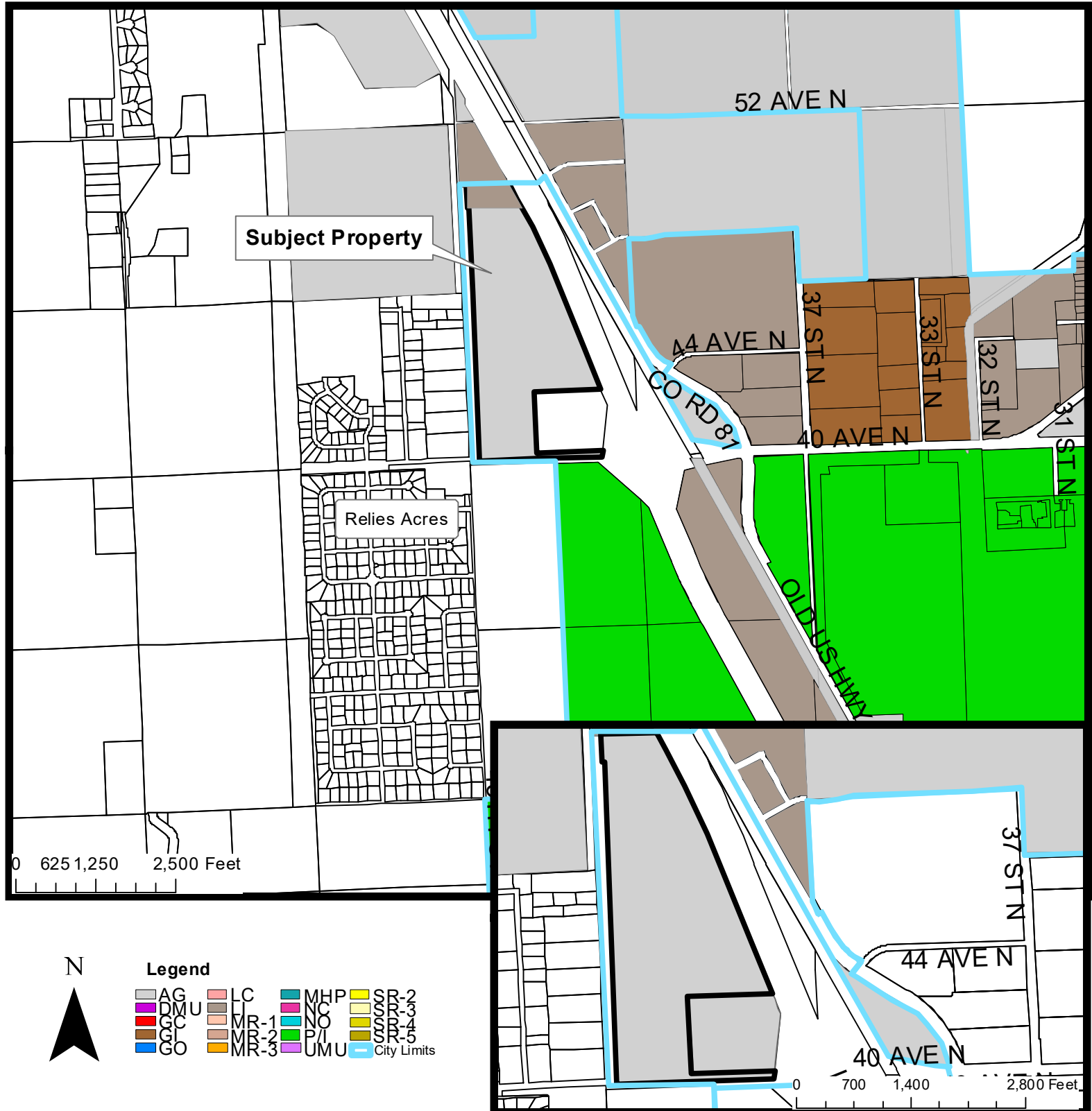
4269 40th Avenue North
4753 45th Street North



Major Subdivision, Zone Change from AG, Agricultural and LI, Limited Industrial with a Conditional Overlay to Limited Industrial and General Commercial with a Conditional Overlay and P/I, Public/Institutional; Growth Plan Amendment from Commercial, Residential Area—Lower to Medium Density and Proposed Park to Industrial and Commercial

Interstate Business District Addition

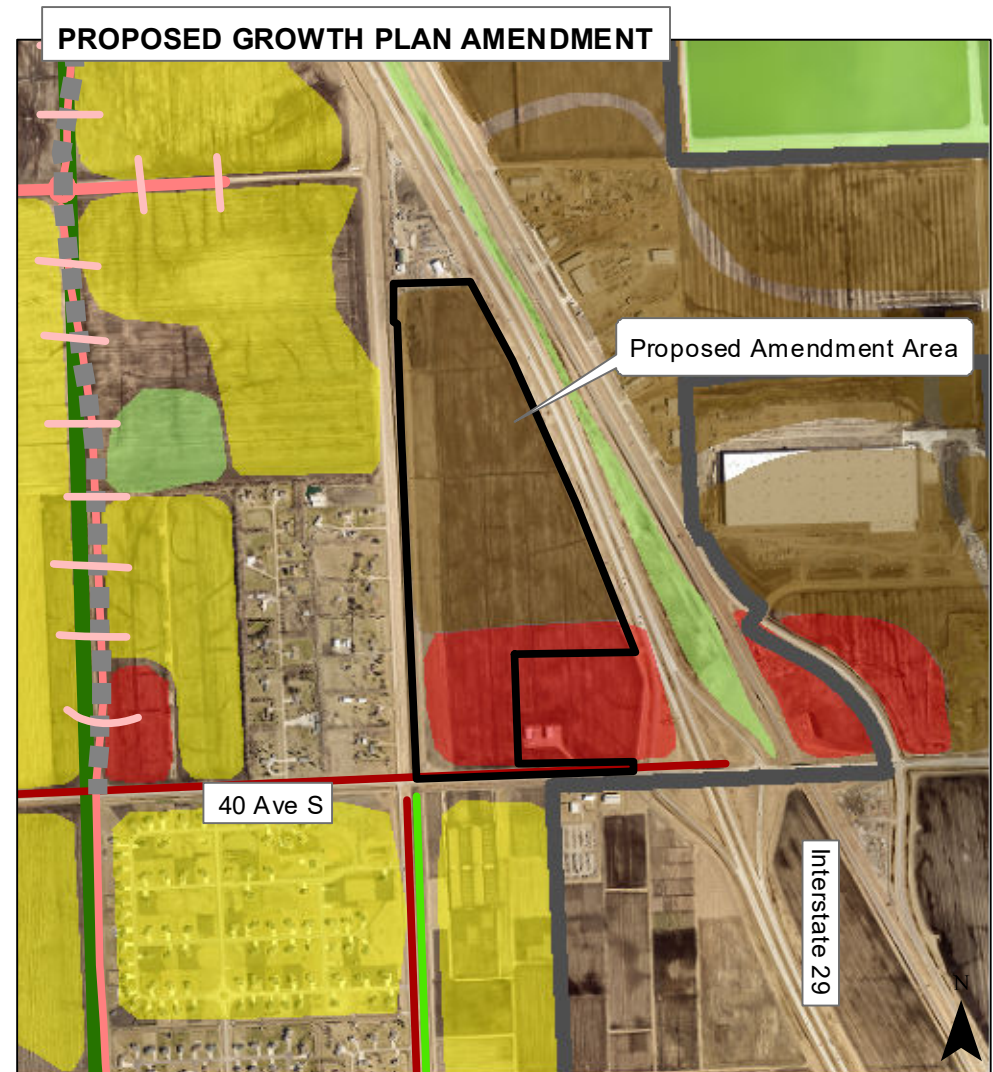
4269 40th Avenue North
4753 45th Street North



Growth Plan Amendment ("Commercial, Residential—Low to Medium Density, and Proposed Park" to "Industrial and Commercial")

Interstate Business District Addition

4269 40th Avenue North
4753 45th Street North



2007 Growth Plan



- City Limits
- Commercial
- Office
- Proposed Park
- Public and Institutional
- Industrial Area

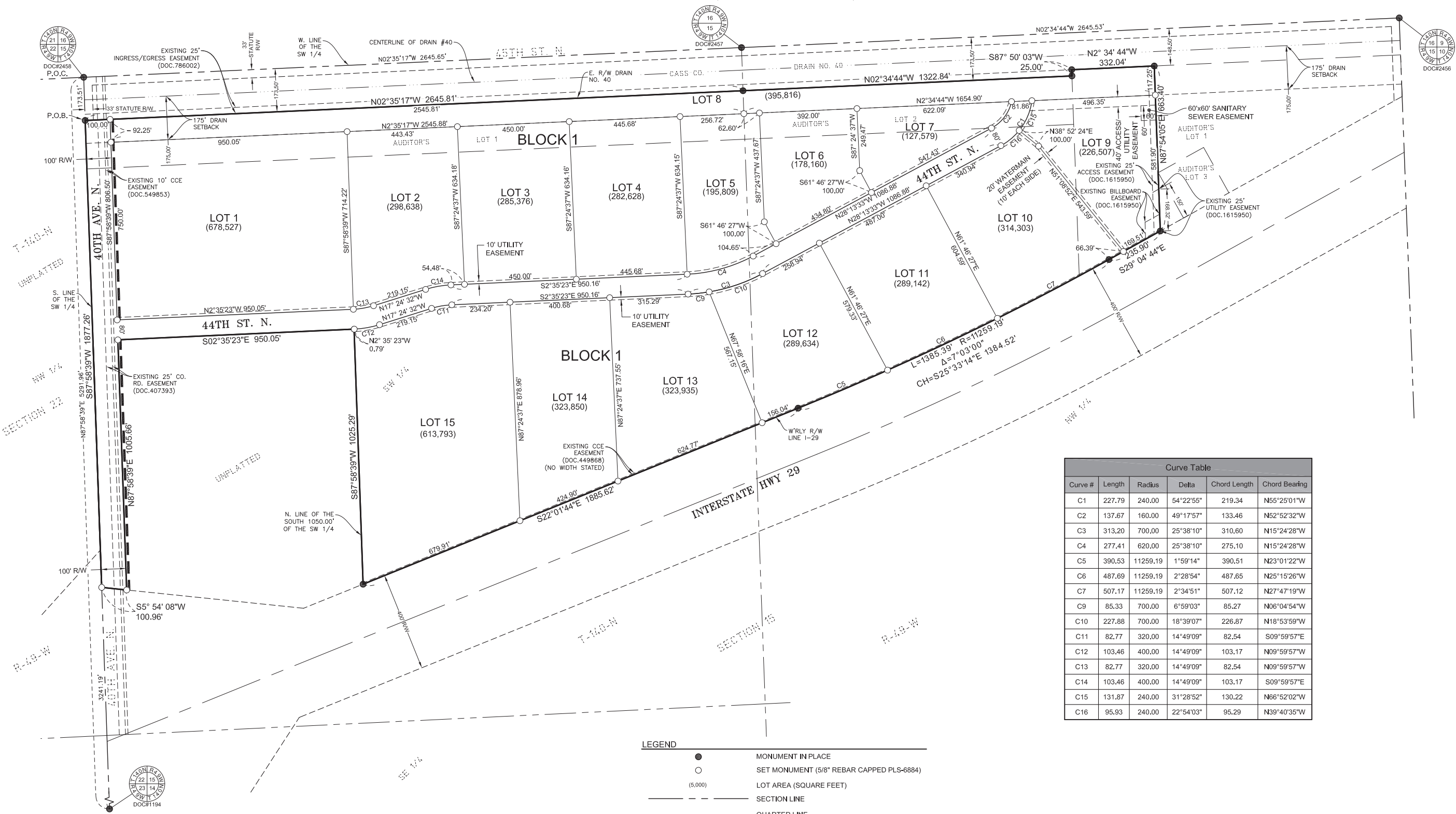
- Residential Area - lower to medium density
- Residential Area - medium to high density

Fargo Planning Commission
May 2, 2023

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INTERSTATE BUSINESS DISTRICT ADDITION

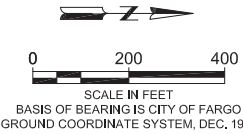
TO THE CITY OF FARGO, A PLAT OF PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	227.79	240.00	54°22'55"	219.34	N55°25'01"W
C2	137.67	160.00	49°17'57"	133.46	N52°52'32"W
C3	313.20	700.00	25°38'10"	310.60	N15°24'28"W
C4	277.41	620.00	25°38'10"	275.10	N15°24'28"W
C5	390.53	11259.19	1°59'14"	390.51	N23°01'22"W
C6	487.69	11259.19	2°28'54"	487.65	N25°15'26"W
C7	507.17	11259.19	2°34'51"	507.12	N27°47'19"W
C9	85.33	700.00	6°59'03"	85.27	N06°04'54"W
C10	227.88	700.00	18°39'07"	226.87	N18°53'59"W
C11	82.77	320.00	14°49'09"	82.54	S09°59'57"E
C12	103.46	400.00	14°49'09"	103.17	N09°59'57"W
C13	82.77	320.00	14°49'09"	82.54	N09°59'57"W
C14	103.46	400.00	14°49'09"	103.17	S09°59'57"E
C15	131.87	240.00	31°28'52"	130.22	N66°52'02"W
C16	95.93	240.00	22°54'03"	95.29	N39°40'35"W

- LEGEND**
- MONUMENT IN PLACE
 - SET MONUMENT (5/8" REBAR CAPPED PLS-6884)
 - (5,000) LOT AREA (SQUARE FEET)
 - SECTION LINE
 - QUARTER LINE
 - EXISTING PROPERTY LINE
 - EXISTING RIGHT OF WAY
 - EXISTING EASEMENT LINE
 - NEW LOT LINE
 - NEW BLOCK LINE
 - PLAT BOUNDARY
 - NEW EASEMENT LINE
 - — — — — NEGATIVE ACCESS EASEMENT

- NOTES**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF GOLDEN VALLEY THIRD ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.



Mead & Hunt

Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4666132-212541.01
SHEET 1 OF 2

PRELIMINARY

INTERSTATE BUSINESS DISTRICT ADDITION

TO THE CITY OF FARGO, A PLAT OF PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That ARD Properties, LLC AND North Fargo Land, LLC AND Southeast Cass Water Resource District as owners of a parcel of land located in that part of the West Half of Section 15, Township 140 North, Range 49 West of the Fifth Principal Meridian and part of Auditor's Lot 1 of the Southwest Quarter thereof, and part of Auditor's Lots 1 & 2 of the Northwest Quarter thereof, Cass County, North Dakota being described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 15; thence North 87 degrees 58 minutes 39 seconds East, an assumed bearing on the south line of said Southwest Quarter, 173.51 feet to the easterly right-of-way line of Cass County Drain No. 40 and the point of beginning; thence North 02 degrees 35 minutes 17 seconds West on said easterly right-of-way line, being parallel with and 173.50 feet easterly of the west line of said Southwest Quarter, 2,645.81 feet to the north line of said Southwest Quarter; thence North 02 degrees 34 minutes 44 seconds West on said easterly right-of-way line, being parallel with and 173.50 feet easterly of the west line of the Northwest Quarter of said Section 15, a distance of 1,322.84 feet to the north line of said Auditor's Lot 2 also being a northerly right-of-way line of said Drain; thence South 87 degrees 50 minutes 03 seconds West on said north line, 25.00 feet to the northwest corner of said Auditor's Lot 2 also being the easterly right-of-way line of said Drain; thence North 02 degrees 34 minutes 44 seconds West on said easterly right-of-way line being parallel with and 148.50 feet easterly of the west line of said Northwest Quarter, 332.04 feet; thence North 87 degrees 54 minutes 05 seconds East, 663.40 feet to the westerly right-of-way line of Interstate Highway 29; thence South 29 degrees 04 minutes 44 seconds East on said westerly right-of-way line, 235.90 feet; thence continuing southeasterly, on said right-of-way line 1,385.39 feet along an arc of a tangent curve, concave to the southwest, having a radius of 11,259.19 feet, a central angle of 07 degrees 03 minutes 00 seconds, and a long chord which bears South 25 degrees 33 minutes 14 seconds East, 1,384.52 feet; thence South 22 degrees 01 minute 44 seconds East on said westerly right-of-way line, 1,885.62 feet; thence South 87 degrees 58 minutes 39 seconds West, parallel with and 1050.00 feet northerly of the south line of said Southwest Quarter, 1,025.29 feet; thence South 02 degrees 35 minutes 23 seconds East, 950.05 feet; thence North 87 degrees 58 minutes 39 seconds East, parallel with and 100.00 feet northerly of the south line of said Southwest Quarter, 1,005.56 feet to the westerly right-of-way line of Interstate Highway 29; thence South 05 degrees 54 minutes 08 seconds West on said westerly right-of-way line, 100.96 feet to the south line of said Southwest Quarter; thence South 87 degrees 58 minutes 39 seconds West on said south line, 1,877.26 feet to the point of beginning.

Containing 122.17 acres, more or less.

Said owners of the above described property, have caused the same to be surveyed and platted as **"INTERSTATE BUSINESS DISTRICT ADDITION"** to the City of Fargo, and does hereby dedicate to the public, for public use, all streets, avenues and easements on this plat, except those easement as shown hereon as "Existing".

OWNER: Lots 2-7 & Lots 9-15, Block 1

ARD PROPERTIES, LLC

By: _____, _____

_____, _____

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20 __, appeared before me, _____, _____, ARD PROPERTIES, LLC, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

OWNER: Lot 1, Block 1

NORTH FARGO LAND, LLC

By: _____, _____

_____, _____

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20 __, appeared before me, _____, _____, NORTH FARGO LAND, LLC, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Jason Ness, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this ____ day of _____, 20 ____.

Jason Ness, PLS
Professional Land Surveyor
Registration No. LS-6884

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20 __, appeared before me, Jason Ness, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____ 20 ____.

Rocky Schneider, Chair
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20 __, before me, a notary public in and for said county, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

OWNER: Lot 8, Block 1

SE CASS WATER RESOURCE DISTRICT

By: _____, _____

_____, _____

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20 __, appeared before me, _____, _____, SE CASS WATER RESOURCE DISTRICT, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ____ day of _____ 20 ____.

Timothy J. Mahoney
Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20 __, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this ____ day of _____ 20 ____.

Brenda E. Derrig, P.E.
City Engineer

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____ 20 __, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, P.E., City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____



Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4666132-212541.01
SHEET 2 OF 2

PRELIMINARY

FOR LOT 1, BLOCK 1, ZONED GC WITH CONDITIONAL OVERLAY: *(west side facing Reile's Acres ETJ)*

Prohibited Uses:

- Detention Facility
- Adult Establishment
- Off-Premise Advertising Signs
- Aviation/Surface Transportation
- Portable Signs

1. If a conditional use permit for any industrial use is approved for this lot in the future, one condition of approval must be that a residential protection buffer including a three-foot high berm and two rows of 10-point trees spaced 25 feet on center must be provided at the time of development of that industrial use on the lot.

2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

3 Off-street parking, loading, vehicular circulation areas, and outdoor storage shall have an all-weather surface. No gravel, crushed concrete, or similar material is permitted.

4. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

FOR LOTS 3 THROUGH 5, BLOCK 1, ZONED LI WITH CONDITIONAL OVERLAY: *(west side, facing Reile's Acres ETJ)*

Prohibited Uses:

- Detention Facility
- Adult Establishment
- Off-Premise Advertising Signs
- Aviation/Surface Transportation
- Portable Signs

1. A residential protection buffer including a three-foot high berm and two rows of 10-point trees spaced 25 feet on center must be provided at the time of development of the lot.

2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

FOR LOTS 6 THROUGH 7, BLOCK 1, ZONED LI WITH CONDITIONAL OVERLAY: *(west side, north of Reile's Acres ETJ)*

Prohibited Uses:

- Detention Facility
- Adult Establishment
- Off-Premise Advertising Signs
- Aviation/Surface Transportation
- Portable Signs

1. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

2. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

DRAFT CONDITIONAL OVERLAY FOR INTERSTATE BUSINESS DISTRICT for 2 May 23 Planning Commission

FOR LOTS 9 THROUGH 16, BLOCK 1, ZONED LI WITH CONDITIONAL OVERLAY: *(east side facing I-29)*

Prohibited Uses:

- Detention Facility
- Adult Establishment
- Aviation/Surface Transportation

1. Exterior lighting must meet the standards of Residential Protection Standards 20-0704.G.
2. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclear or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.
3. Maximum height of any off-premise sign is limited to 35 feet.
4. Total number of off-premise signs is limited to four, not all of which can be digital billboards.

NOTE: Lots 5 and 8, which will be zoned P/I, Public/Institutional, do not have a conditional overlay.

From: Joe Ring
Sent: Wednesday, April 26, 2023 12:06 PM
To: Donald Kress
Subject: Growth Plan amendment-located @ 4753 45th St N

Donald,

I am writing you today to express my concerns about the proposed zoning changes to the parcel of land located at 4753 45th St. N.

County Rd 20 is a 2 lane road with no turn lanes into Reiles Acres south or north of County road 20. We have seen an increase in traffic with the Amazon Distribution Center and the Marvin Windows facility. If this proposed zoning change is accepted, this will add even more traffic and safety issues while navigated this already busy county road. In addition to this, there is a new residential addition going in North of Reiles 9th addition and this again will add more traffic along this county road. Much of which will be stop and go for residents turning into editions to the north and south of County road 20. I have not been made aware of any proposals or enhancements to county rd 20. At a minimum, this needs to be a consideration before being allowed to move forward with an extensive project such as this one. And the majority of the cost of said project should not fall onto the residents of Reiles Acres.

In addition to the traffic safety issues that this proposal creates, a big part of why the residents of Reiles Acres have chosen to live in this area is because it has been surrounded by agriculture zoned land which has provided its residents an area to enjoy with little to no industrial noise and the hustle and bustle of large vehicle traffic. The proposed changes to Light Industrial gives these future land owners many options for businesses that will be allowed to run heavy trucks and equipment in and out of this area. It is known that a desire for a concrete crushing plant is also being contemplated which would create a large amount of noise in very close proximity to residential homes. This is unacceptable to consider when people have been enjoying this quite area for decades.

The last concern that I have is that 2 years down the road, the owners of this land/property can propose further changes to zoning and request more changes that could contribute to even higher amounts of industrial equipment and heavy truck travel in and around our residential neighborhoods.

I am not in favor of the proposed zoning changes for the above reasons.

I appreciate your time and consideration.

Joe Ring
4752 38 1/2 Ave N
Reiles Acres, ND 58102

Jason & Faulkner Lydia



4422 45th St N
Fargo, ND, 58102



Date 04-24-2023

TO: City of Fargo - City Planning & Development

RE: Zoning Proposal Objection to Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park to Industrial and Commercial
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information:

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community:

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning:

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5-story building, or an asphalt facility, etc.

Jason & Faulkner Lydia



4422 45th St N
Fargo, ND, 58102



Date 04-24-2023

ARD properties LLC is the official landowner per ND parcel viewer. Trent Duda is the name behind the LLC. He is associated with Earthworks services. The owner of this land has stated that he bought this land to expand his business. He currently has properties in West Fargo for Earthworks and his trucking business.

He stated that he will keep 2-3 lots on the east side, and he wants to put in a concrete crushing facility. This will bring added noise and large amount of truck hauling traffic, which we are opposed to. This type of business does not run just two weeks a year, it can run if the weather permits. He stated that his property off 12th Ave N is not large enough for a concrete business. His current businesses are in industrial areas and not near residential.

Consider the Best Interest Of Neighboring Communities - Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights, and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Jason & Faulkner Lydia



4422 45th St N
Fargo, ND, 58102



Date 04-24-2023

Summary:

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would consider our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for the consideration and reviewing this information.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

Signature

Jason Faulkner

Printed Name

4422 45th St N Fargo ND 58102

Address

4-24-2023

Date

Signature

Lydia Faulkner

Printed Name

4422 45th St. N. Fargo ND 58102

Address

4-24-2023

Date

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all of these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5 story building, or an asphalt facility, etc.

ARD properties LLC is the official landowner per ND parcel viewer. Trent Duda is the name behind the LLC. He is associated with Earthworks services. The owner of this land has stated that he bought this land to expand his business. He currently has properties in West Fargo for Earthworks and his trucking business.

He stated that he will keep 2-3 lots on the east side and he wants to put in a concrete crushing facility. This will bring added noise and large amount of truck hauling traffic, which we are opposed to. This type of business does not run just two weeks a year, it can run as long as the weather permits. He stated that his property off of

12th Ave N is not large enough for a concrete business. His current businesses are in industrial areas and not near residential.

Consider the Best Interest Of Neighboring Communities

Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Supporting Statement from Local Realtor

To whom it may concern,

It has come to my attention that the homeowners on north side of Reiles Acres on 45th St N have recently received notice that the agricultural land to the East of them has or will be zoned Commercial/Industrial from the original zone of agriculture. Having commercial or industrial buildings across the road from a residential area can negatively impact the home values in the neighborhood. Homeowners in these residential areas usually choose to live there because of the peacefulness, privacy, and tranquility that such areas offer, especially in a rural setting. Putting up commercial or industrial buildings close to residential homes could create noise pollution, increase traffic, and decreased air quality, leading to a general decrease in the quality of life for residents.

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,

Jeremy Qualley
Realtor in the FM Area

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>JAMES PRUDHOMME</u>	<u>James Prudhomme</u>	<u>4302 - 45th St N, Fargo ND</u>
Name	Signature	Address

<u>Gail Prudhomme</u>	<u>Gail Prudhomme</u>	<u>4302 45th St N Fargo ND</u>
Name	Signature	Address

<u>Debbie Moos</u>	<u>D Moos</u>	<u>4112 47th St N Fargo ND</u>
Name	Signature	Address

<u>James Moos</u>	<u>James Moos</u>	<u>4112 47th St N Fargo ND 58102</u>
Name	Signature	Address

Name

Signature

Address

Roger ParrowRoger Parrow4209-47th St N.

Name

Signature

Address

Judy ParrowJudy Parrow4209 47th St N

Name

Signature

Address

Robert BohmerRobert Bohmer4115 47th ST N
FARGO, ND 58102

Name

Signature

Address

Brenda BohmerBrenda Bohmer4115 47th ST N
FARGO, ND
58102

Name

Signature

Address

Brandon & Liz KatzBrandon & Liz Katz4414 47th St. N Fargo, ND 58102

Name

Signature

Address

Donnette GustafsonDonnette Gustafson4306 47th St. N Fargo, ND
58102

Name

Signature

Address

Norman GustafsonNorman Gustafson4306 47th St. N.

Name

Signature

Address

Sharon LorzSharon Lorz4319-47th St. N. Fargo, ND
58102

Name

Signature

Address

Harold LorzHarold LORZ4319 47th St N, Fargo ND
58102

Name

Signature

Address

Kayh LorzKayh Lorz4519 47th St N Fargo ND 58102

Name

Signature

Address

Name

Signature

Address

Josh Loge

Josh Loge

4519 47th St N

Name

Signature

Address

Katie Kram

Katie Kram

4518 47th St. N

Name

Signature

Address

Wyatt Kram

Wyatt Kram

4518 47th St. N.

Name

Signature

Address

Pat Bresnahan

Pat Bresnahan

4505 47th St. N

Name

Signature

Address

Nicolette Bresnahan

Nicolette Bresnahan

4505 47th St. N

Name

Signature

Address

Bernice Kram

Bernice Kram

4502-36th Ave N.

Name

Signature

Address

Roger Kram

Roger Kram

4502-36th Avenue N.

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

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Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

Thomas Kutz

Name

Thomas Kutz

Signature

4563 38 1/2 Ave. N

Reile's Acres

Address

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all of these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5 story building, or an asphalt facility, etc.

ARD properties LLC is the official landowner per ND parcel viewer. Trent Duda is the name behind the LLC. He is associated with Earthworks services. The owner of this land has stated that he bought this land to expand his business. He currently has properties in West Fargo for Earthworks and his trucking business.

He stated that he will keep 2-3 lots on the east side and he wants to put in a concrete crushing facility. This will bring added noise and large amount of truck hauling traffic, which we are opposed to. This type of business does not run just two weeks a year, it can run as long as the weather permits. He stated that his property off of

12th Ave N is not large enough for a concrete business. His current businesses are in industrial areas and not near residential.

Consider the Best Interest Of Neighboring Communities

Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Supporting Statement from Local Realtor

To whom it may concern,

It has come to my attention that the homeowners on north side of Reiles Acres on 45th St N have recently received notice that the agricultural land to the East of them has or will be zoned Commercial/Industrial from the original zone of agriculture. Having commercial or industrial buildings across the road from a residential area can negatively impact the home values in the neighborhood. Homeowners in these residential areas usually choose to live there because of the peacefulness, privacy, and tranquility that such areas offer, especially in a rural setting. Putting up commercial or industrial buildings close to residential homes could create noise pollution, increase traffic, and decreased air quality, leading to a general decrease in the quality of life for residents.

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,

Jeremy Qualley
Realtor in the FM Area

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

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The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Janet Kenowski</u>	<u>[Signature]</u>	<u>4786 38th Ave Reites Acres</u>
Name	Signature	Address
<u>Rachel Kenowski</u>	<u>Rachel Kenowski</u>	<u>4786 38th Ave Reites Acres</u>
Name	Signature	Address
<u>Susan Young</u>	<u>Susan Young</u>	<u>3838 50th St N. Reites Acres</u>
Name	Signature	Address
<u>Michael Young</u>	<u>[Signature]</u>	<u>3838 50th St N. Reites Acres</u>
Name	Signature	Address

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all of these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5 story building, or an asphalt facility, etc.

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He stated that he will keep 2-3 lots on the east side and he wants to put in a concrete crushing facility. This will bring added noise and large amount of truck hauling traffic, which we are opposed to. This type of business does not run just two weeks a year, it can run as long as the weather permits. He stated that his property off of

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Consider the Best Interest Of Neighboring Communities

Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

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The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

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Summary

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We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

MARIJA GORJACHEVA
JOSHUA MORRELL
Name

Signature

Address

4534 39th Ave N

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
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This area is an ET Area for the City of Reiles Acres.

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Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Summary

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We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Breanne Nelson</u>	<u>Breanne Nelson</u>	<u>4502 45th St N</u>
Name	Signature	Address

Name

Signature

Address

Aaron Young



4533 38¹/₂ Ave N Reiles Acres
ND 58102

Name

Signature

Address

Lisa Prudhomme



3353 50th St S Reiles Acres, ND
58102

Name

Signature

Address

Joel Prudhomme



3353 50th St S Reiles Acres, ND
58102

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

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This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community

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Specific Concerns

Zoning

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Consider the Best Interest Of Neighboring Communities

Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

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Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Supporting Statement from Local Realtor

To whom it may concern,

It has come to my attention that the homeowners on north side of Reiles Acres on 45th St N have recently received notice that the agricultural land to the East of them has or will be zoned Commercial/Industrial from the original zone of agriculture. Having commercial or industrial buildings across the road from a residential area can negatively impact the home values in the neighborhood. Homeowners in these residential areas usually choose to live there because of the peacefulness, privacy, and tranquility that such areas offer, especially in a rural setting. Putting up commercial or industrial buildings close to residential homes could create noise pollution, increase traffic, and decreased air quality, leading to a general decrease in the quality of life for residents.

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,

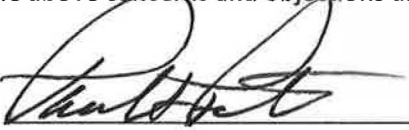
Jeremy Qualley
Realtor in the FM Area

Summary

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We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

Paul & Paula Peterson		4314 45th ST N Fgo
Name	Signature	Address

DUANNE MARLENE THORSTEINSON		4015 47th St N Fargo ND
Name	Signature	Address

MIKE LESTINA		4406 45th St N. FARGO, ND
GRETCHEN LESTINA		58102
Name	Signature	Address

DAVE + LEAH HEIDE	DAVE HEIDE	4006 45th St. N. FARGO, ND
Name		58102
Name	Signature	Address

Ryan Carlson Ryan Ca 4482 45th St. N
Name Signature Address Fargo, ND 58102

Jerome Kohle Jerome Kohle 4442 45th St N Fargo
Name Signature Address ND 58102

Tad Bjordahl Tad Bjordahl 3372 45th St N
Name Signature Address Reids Acres ND 58102

Melinda Bjordahl Melinda Bjordahl 3372 45 St N
Name Signature Address Reids Acres ND 58102

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

GERALD RAMBERG *Gerald Ramberg*

4206 45th ST. N. FARGO, ND
58102

Name

Signature

Address

Name

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April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition -- Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

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To whom it may concern,

It has come to my attention that the homeowners on north side of Reiles Acres on 45th St N have recently received notice that the agricultural land to the East of them has or will be zoned Commercial/Industrial from the original zone of agriculture. Having commercial or industrial buildings across the road from a residential area can negatively impact the home values in the neighborhood. Homeowners in these residential areas usually choose to live there because of the peacefulness, privacy, and tranquility that such areas offer, especially in a rural setting. Putting up commercial or industrial buildings close to residential homes could create noise pollution, increase traffic, and decreased air quality, leading to a general decrease in the quality of life for residents.

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,

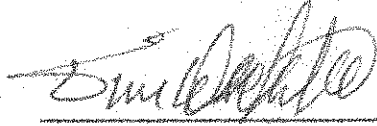
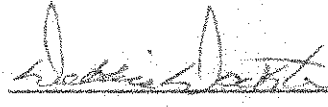
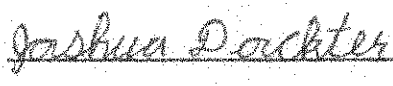

Jeremy Qualley
Realtor in the FM Area

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Tim Dockter</u>	<u></u>	<u>3635 49th St N 58102</u>
Name	Signature	Address
<u>Debbie Dockter</u>	<u></u>	<u>3635 49th St N 58102</u>
Name	Signature	Address
<u>Joshua Dockter</u>	<u></u>	<u>3635 49th St. N 58102</u>
Name	Signature	Address
<u>LaShai Pfeiffer</u>	<u></u>	<u>4634 35th Ave N 58102</u>
Name	Signature	Address

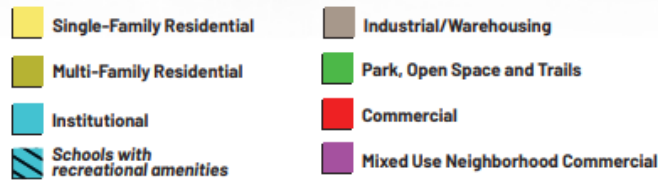
City of Fargo Staff Report			
Title:	Green Acres Second Addition	Date:	4/27/2023
Location:	2225, 2233, and 2237 13 th Avenue South	Staff Contact:	Luke Morman, Planner
Legal Description:	Part of Lots 1 and 3, all of Lot 2, Block 1, Green Acres Addition		
Owner(s)/Applicant:	The Acme Investment Co / Cole Neset (Neset Land Surveys Inc)	Engineer:	Neset Land Surveys
Entitlements Requested:	Minor Subdivision (Replat of part of Lots 1 and 3, all of Lot 2, Block 1, Green Acres Addition)		
Status:	Planning Commission Public Hearing: May 2, 2023		

Existing	Proposed
Land Use: Commercial	Land Use: Unchanged
Zoning: LC, Limited Commercial	Zoning: Unchanged
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunication facilities.	Uses Allowed: Unchanged
Maximum Lot Coverage Allowed: 55%	Maximum Lot Coverage Allowed: Unchanged

Proposal:
<p>The applicant is seeking approval of a minor subdivision located at 2225, 2233, and 2237 13th Avenue South. The request is to replat and clean up the existing deed-combined lot into a one lot minor subdivision entitled Green Acres Second Addition.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: LC, Limited Commercial with retail, office, and a multi-dwelling structure; • East: LC, Limited Commercial with limited vehicle service; • South: Across 13 Ave S is LC, Limited Commercial with office and retail sales and service; • West: Across 23 St S is LC, Limited Commercial with office.

Area Plans:

According to the Future Land Use Map of the Jefferson/Carl Ben Neighborhood implementation brief within the Core Neighborhoods Plan, the subject property is designated as “Mixed Use Neighborhood.” The current LC, Limited Commercial zoning is consistent with this land use designation.



Schools and Parks:

Schools: The subject property is located within the Fargo School District and is served by Jefferson Elementary, Carl Ben Eielson Middle, and Fargo South High schools.

Neighborhood: The subject property is located within the Carl Ben neighborhood.

Parks: McCormick Park is approximately one quarter of a mile to the north of the subject property. Amenities include a basketball court, picnic tables, playgrounds for ages 2-12, recreational trails, and warming houses.

Pedestrian / Bicycle: There are shared-use paths along 25th Avenue South (from 13th Avenue going south), and shared use paths within McCormick Park.

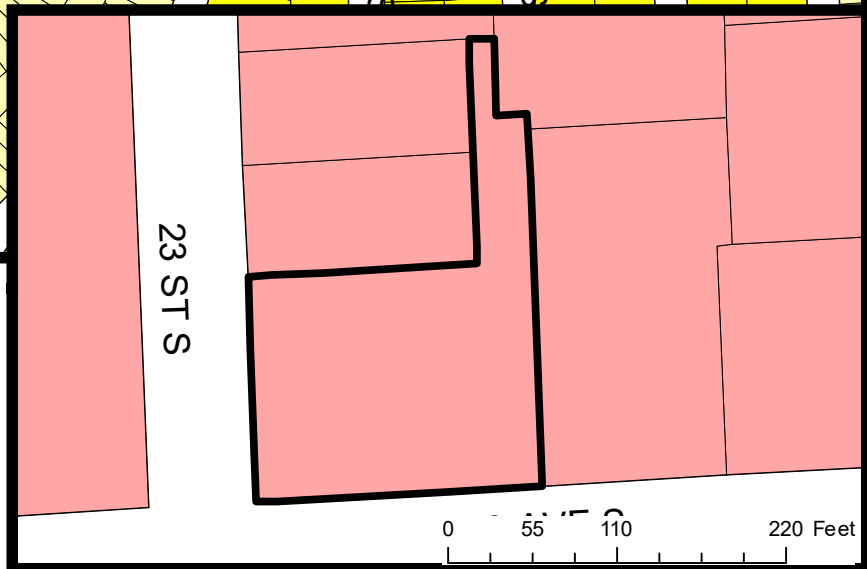
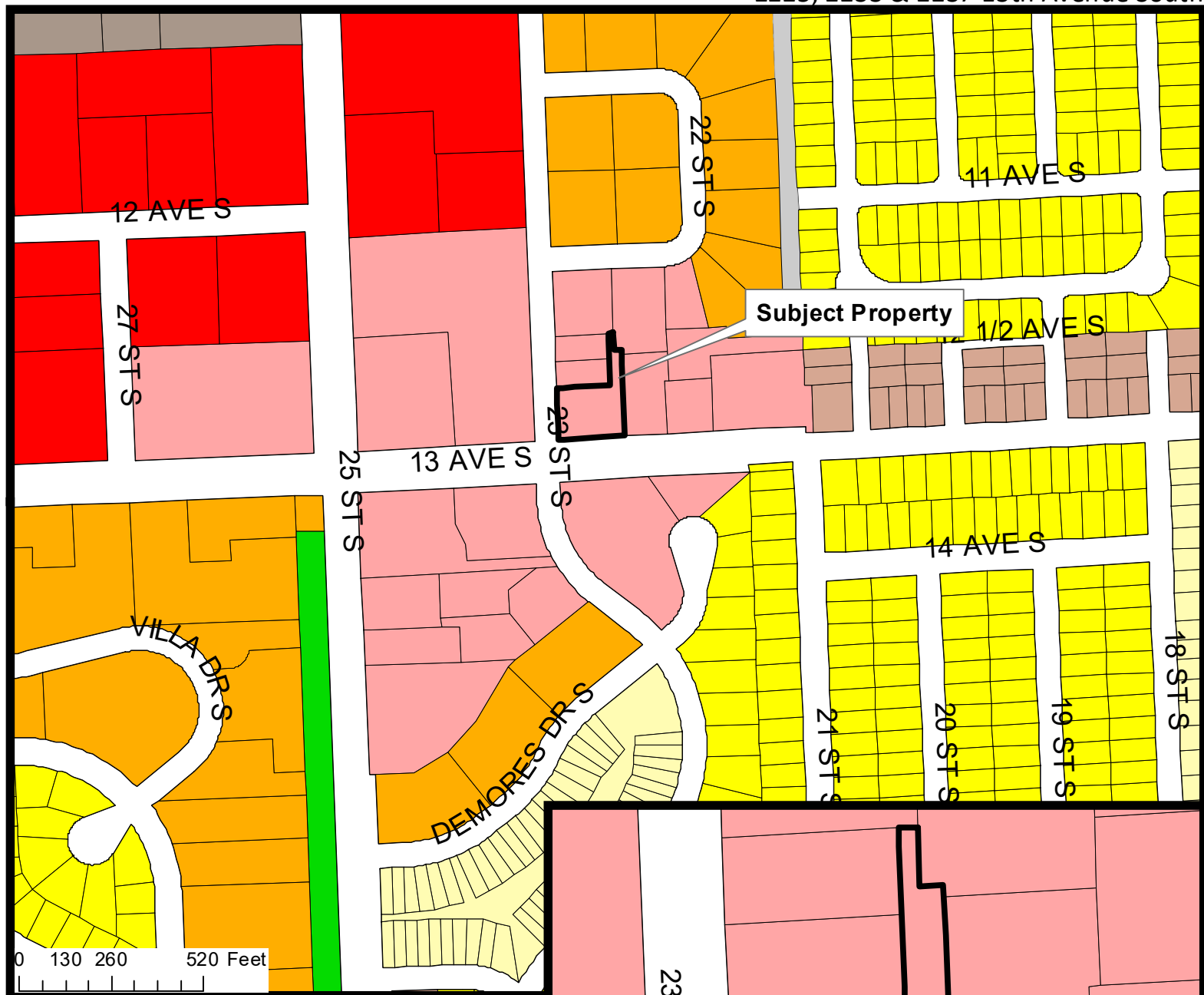
Bus Route: The subject property is within a quarter mile of route 15 and 18. Route 15 runs along 13th Ave S with several stops on both sides of the street. Route 18 runs along 25th St S and 9th Ave S with several stops on both sides of those streets.

Staff Analysis:
Minor Subdivision <p>The LDC stipulates that the following criteria are met before a minor plat can be approved:</p> <ol style="list-style-type: none"> Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. <p>The property was previously three different lots but was combined through the City's Assessor department in September 2022. This subdivision is intended to replat the existing lot with necessary easements and a simplified legal description. The property within this plat is currently zoned LC, Limited Commercial, and no change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiry about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. (Criteria Satisfied)</p> Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision. <p>While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principals. (Criteria Satisfied)</p>
Staff Recommendation:
<p>Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission the proposed subdivision plat, Green Acres Second Addition as outlined within the staff report, as the proposal complies with the Core Neighborhoods Plan, standards of Section 20-0907.B & C, standards of Article 20-06, and all other applicable requirements of the Land Development Code."</p>
Planning Commission Recommendation: May 2, 2023
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Preliminary Plat

Minor Subdivision

Green Acres Second Addition 2225, 2233 & 2237 13th Avenue South

2225, 2233 & 2237 13th Avenue South



Legend

AG DMU GC GL GO LC LI MR-1 MR-2 MR-3 MHP NNC NO P/I UMU SR-2 SR-3 SR-4 SR-5 City Limits

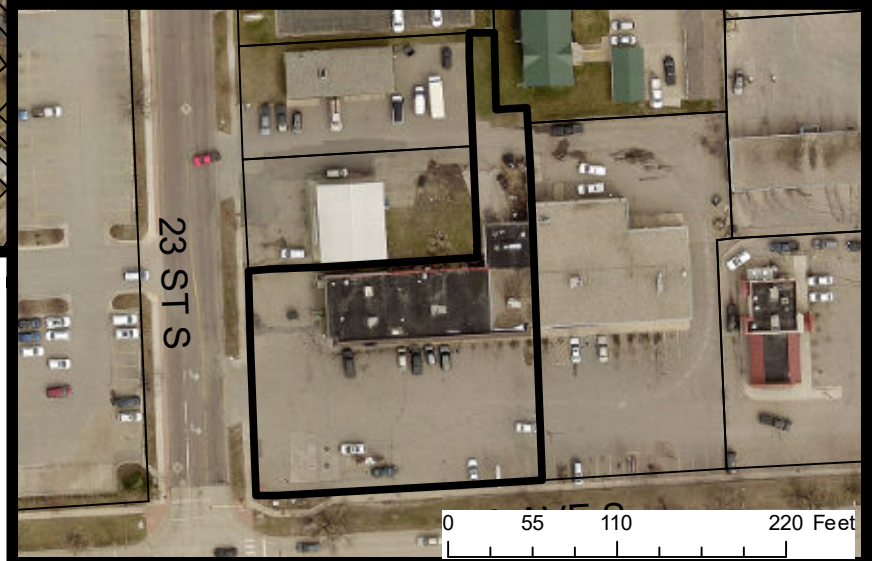


Fargo Planning Commission
May 2, 2023

Minor Subdivision

Green Acres Second Addition

2225, 2233 & 2237 13th Avenue South



Legend

 City Limits

03/20/23 11:17:17AM Z:\Neset Shared Files\Cole Projects\2022 Projects\22004 LOWRY PROJECTS\72_LE 22002-Kum and Go Gas Station 13th Ave\Kum and Go COF Prop Lines.dwg 23RD ST S

GREEN ACRES SECOND ADDITION

A REPLAT OF PART OF LOT ONE, ALL OF LOT TWO, AND PART OF LOT THREE, BLOCK ONE OF GREEN ACRES ADDITION
FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT ACME INVESTMENT COMPANY IS THE OWNER OF PART OF LOT ONE, ALL OF LOT TWO, AND PART OF LOT THREE, IN BLOCK ONE, OF GREEN ACRES ADDITION, TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT ONE, LESS THE WEST ONE HUNDRED FIFTY FEET THEREOF, ALL OF LOT TWO AND THE WEST TWENTY FEET OF LOT THREE LESS THE NORTH FIFTY FEET THEREOF, ALL IN BLOCK ONE, OF GREEN ACRES ADDITION TO THE CITY OF FARGO, SITUATE IN THE COUNTY OF CASS AND THE STATE OF NORTH DAKOTA.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS GREEN ACRES SECOND ADDITION TO THE CITY OF FARGO, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREET RIGHT OF WAYS, UTILITY EASEMENTS AND NEGATIVE ACCESS EASEMENTS SHOWN ON SAID PLAT. SAID TRACT OF LAND, CONSISTS OF 1 LOT AND 1 BLOCK, AND CONTAINS ±31,560 SQ. FT. OR ±0.73 ACRES MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

JAY ALSOP
ACME INVESTMENT COMPANY

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JAY ALSOP, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS GREEN ACRES SECOND ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2023.

COLE A. NESET,
REGISTERED LAND SURVEYOR
ND LS-7513

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2023.

BRENDA DERRIG, P.E., CITY ENGINEER

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA DERRIG, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____

CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2023.

TIMOTHY J. MAHONEY, MAYOR

STEVE SPRAGUE, CITY AUDITOR

STATE OF _____ NORTH DAKOTA)
COUNTY OF _____ CASS)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: _____ NORTH DAKOTA
MY COMMISSION EXPIRES: _____

CITY PLANNING COMMISSION APPROVAL

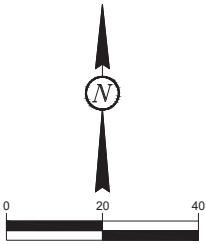
APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS _____ DAY OF _____ 2023.

ROCKY SCHNEIDER, CHAIR
FARGO PLANNING COMMISSION

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____



LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - - - EX. EASEMENT
- - - - - EX. PROPERTY LINE
- ===== PROPERTY BOUNDARY LINE
- - - - - NEW EASEMENT LINE

SURVEY INFORMATION

DATE OF SURVEY: 12/15/2022
BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992

SHEET 1 OF 1



Neset
LAND SURVEYS

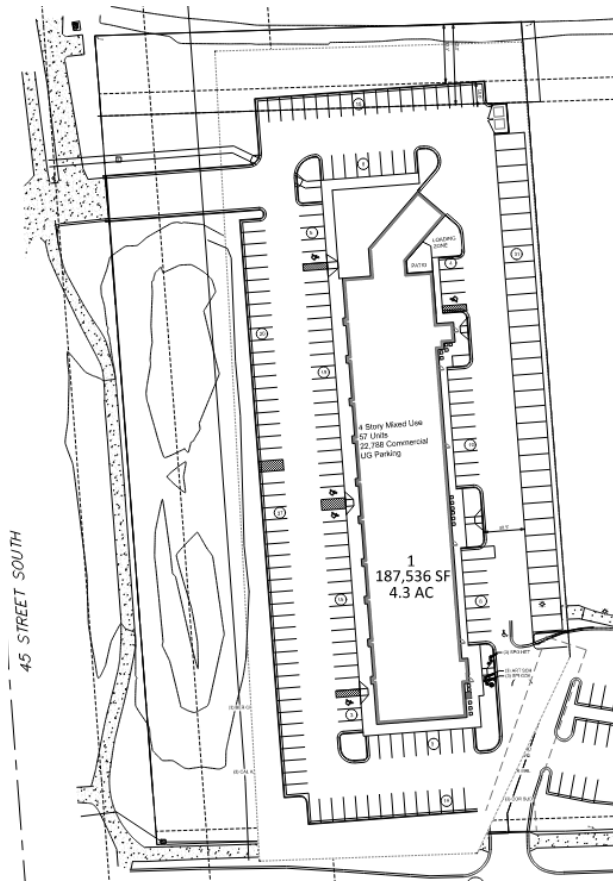
FOR RECORDING PURPOSES ONLY

City of Fargo Staff Report			
Title:	Southwest Fargo Mission Second Addition	Date:	4-27-23
Location:	4451, 4455, and 4475 40 th Avenue South	Staff Contact:	Luke Morman, Planner
Legal Description:	Lots 1 and 2, Block 1, Southwest Fargo Mission Addition		
Owner(s)/Applicant:	450 Investments, LLC and Living Waters Lutheran Church / Christianson Companies	Engineer:	Bolton & Menk
Entitlements Requested:	Zoning Change (from P/I, Public and Institutional to P/I, Public and Institutional and GC, General Commercial with a C-O, Conditional Overlay); Minor Subdivision (replat of Lots 1 and 2, Block 1, Southwest Fargo Mission Addition including a subdivision watercourse setback waiver); and Conditional Use Permit, CUP (to allow residential living in the GC, General Commercial zoning district on Lot 1 of the proposed Southwest Fargo Mission Second Addition).		
Status:	Planning Commission Public Hearing: May 2, 2023		

Existing	Proposed
Land Use: Religious Institution.	Land Use: Commercial, residential, and religious institution.
Zoning: P/I, Public and Institutional.	Zoning: P/I, Public and Institutional and GC, General Commercial with a C-O, Conditional Overlay and CUP, Conditional Use Permit for residential living.
<p>Uses Allowed: P/I – Public and Institutional allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events</p> <p>With a Conditional Use Permit (No. 2017-007) to allow a telecommunication support structure (TSS) within a P/I, Public and Institutional zoning district.</p>	<p>Uses Allowed: P/I – Unchanged.</p> <p>GC – General Commercial allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and some telecommunication facilities.</p> <p>Note: The proposed Conditional Overlay prohibits certain uses.</p> <p>With a Conditional Use Permit to allow household living.</p> <p>The existing Conditional Use Permit (No. 2017-007) shall remain.</p>
Maximum Building Coverage Allowed: P/I has no building coverage or density standards.	<p>Maximum Building Coverage Allowed: P/I has no building coverage or density standards.</p> <p>GC has a maximum 85% building coverage.</p> <p>CUP, Conditional Use Permit, limits the residential density to a maximum 13.5 units per acre.</p>

Proposal:
<p>The applicant requests three entitlements:</p> <ol style="list-style-type: none"> 1. Zoning Change (from P/I, Public and Institutional to P/I, Public and Institutional and GC, General Commercial with a C-O, Conditional Overlay); 2. Minor Subdivision (replat of Lots 1 and 2, Block 1, Southwest Fargo Mission Addition, including a subdivision watercourse setback waiver); and 3. Conditional Use Permit (CUP) (to allow residential living in the GC, General Commercial zoning district on Lot 1 of the proposed Southwest Fargo Mission Second Addition).

The proposal is to replat two existing lots into a minor subdivision entitled Southwest Fargo Mission Second Addition, rezone from P/I to GC on the proposed Lot 1, add a C-O to add design requirements, and add a CUP to allow for residential living within the GC zone. The applicant proposes a mixed-use project with underground parking, commercial uses on the ground floor, and approximately 57 units of residential above in the GC zone. The C-O includes restricting some uses and adding design standards that are consistent with other overlays on the City's arterial roads.



The subject property located at 4475 40th Avenue South is currently undeveloped but has a portion of an existing stormwater pond. The other subject property addressed under 4451 and 4455 40th Avenue South is only used for the Living Waters Lutheran Church. Both properties are owned by the church and the proposed Lot 2 will remain under their ownership.

Subdivision Watercourse Setback Waiver:

The property borders the east side of County Drain No. 27 and is subject to the drain setback requirement stated in Land Development Code Section 20-0610.F. This code section requires a 175 foot dedication from the centerline of the drain. Further evaluation by the Fargo City Engineering Department and the Southeast Cass Water Resources District ("SE Cass") has determined that a 175 foot easement from the drain centerline will be sufficient for this property rather than a dedicated lot. SE Cass is creating an easement to allow a parking lot to be developed within the drain easement, which will need to be recorded prior to the recordation of the plat. This subdivision waiver for drain dedication is considered part of the plat and not a separate entitlement.

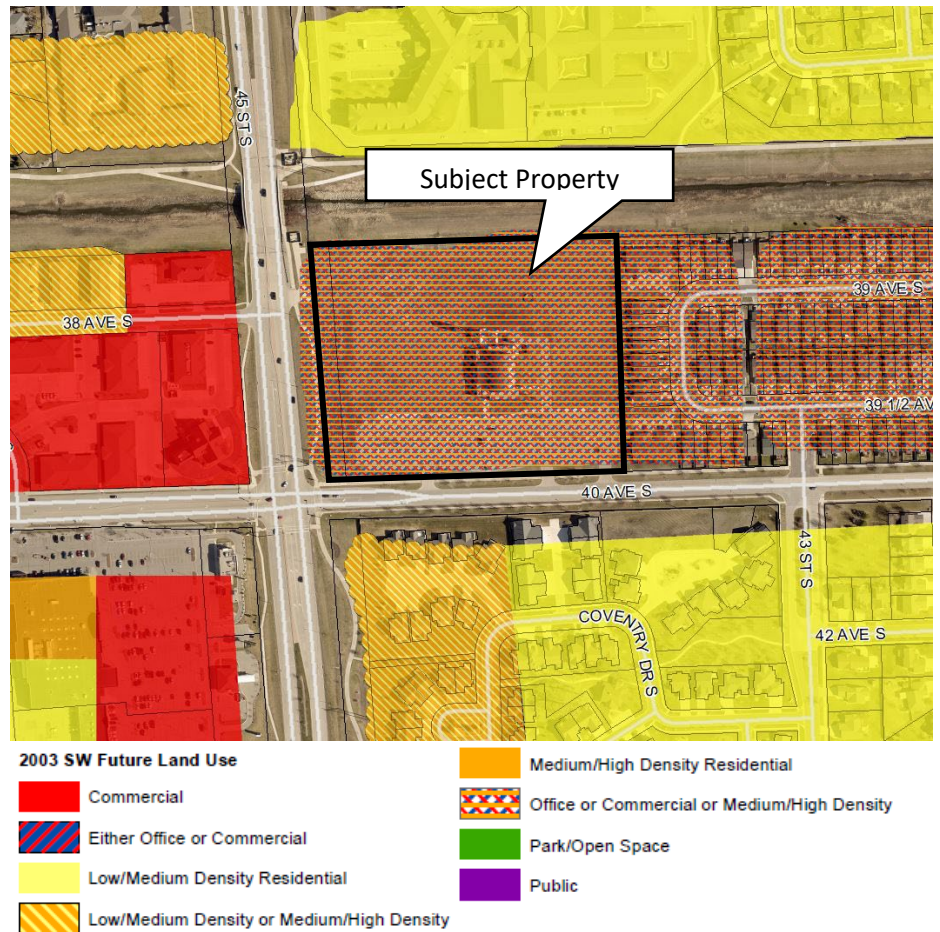
The project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: P/I, Public and Institutional; Cass County Drain No. 27
- East: SR-4, Single-dwelling Residential; single family residences.
- South: Across 40th Avenue South P/I, Public and Institutional; shared-use trail, MR-1, Multi-dwelling Residential; household living, and SR-4, Single-dwelling Residential; duplexes.
- West: Across 45th Street South LC: Limited Commercial; offices.

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan. Within this growth plan, the subject property is identified as being suitable for Office or Commercial or Medium/High Density Residential uses. The proposed mixed-use building and existing religious institution is suitable under this identification.



Context:

Schools: The subject property is located within the Fargo School District, specifically within the Kennedy Elementary, Carl Ben Eilson Middle and South High schools.

Neighborhood: The subject property is located within the Woodhaven neighborhood.

Parks: Vista Park, Edgewood Village Park, and Woodhaven North Park are within a quarter mile of the subject properties. Vista Park provides trails; Edgewood Village Park provides picnic tables, a playground for ages 2-5, and recreational trails; and Woodhaven North Park provides fishing with an ADA fishing ramp, picnic tables, a playground for ages 5-12, recreational trails, and a shelter.

Pedestrian / Bicycle: There are shared-use trails running along both sides of 45th Street South and 40th Avenue South, through Vista Park, Edgewood Village Park, and Woodhaven North Park, and along County Drain 27.

Bus Route: The subject properties are within a quarter mile of MATBUS route 18 which runs along 40th Avenue South. This route has bus stops near the crossing streets of 47th Street South, 45th Street South, 43rd Street South, and 42nd Street South.

Staff Analysis:

Zoning

Section 20-0906.F(1-4) of the LDC stipulates that the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The applicant is requesting to rezone the property in order to develop a mixed use building on a portion of the existing properties. The properties are currently zoned P/I, Public and Institutional. The applicant is requesting to rezone the proposed Lot 1 to GC, General Commercial with a C-O, Conditional Overlay to apply use restrictions and design standards that are consistent with other overlays on the City's arterial roadways. Staff finds that the

requested zoning change is justified by change in conditions since the previous zoning classification was established.

(Criteria Satisfied)

2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property is adjacent to existing developed public rights-of-way, which provide access and public utilities to serve the property.

(Criteria Satisfied)

3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received and responded to two inquiries related to the proposed project and the new building's height. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.

(Criteria Satisfied)

Note: See the attached Draft Conditional Overlay.

Minor Subdivision

The LDC stipulates that the following criteria is met before a minor plat can be approved:

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

This subdivision is intended to replat two lots into a two lots of a different configuration to accommodate for a future mixed-use building and the existing Living Waters Lutheran Church to remain. Section 20-0610.F of the LDC requires a subdivision watercourse setback waiver, and after coordination between Southeast Cass, the Engineering department, and the applicant there is an easement in process to account for the 175 feet setback required by this section. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to two inquiries related to the proposed project and the new building's height. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principals.

(Criteria Satisfied)

Conditional Use Permit Approval Criteria (Section 20-0909.D)

The following is a list of criteria that must be determined satisfied in order for a Conditional Use Permit to be approved:

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Promoting infill development and exploring reductions in minimum parking standards are both key initiatives meant to promote the Plan's guiding principles. Staff finds this proposal is consistent with the purpose of the LDC, the GO2030 Comprehensive Plan, and other adopted policies of the City.

(Criteria Satisfied)

2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**

Staff finds that this proposed conditional use permit to allow for residential use for development of the mixed-use building to be located within this area will contribute to and promote the welfare of the public.

(Criteria Satisfied)

3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**

Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to two inquiries related to the proposed project and the new building's height.

(Criteria Satisfied)

4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**

Staff finds that the proposed conditional use permit to allow household living should not dominate the immediate neighborhood or prevent any other sites from being used due to the proposed condition of the CUP seeking to limit the intensity of the use. The suggested condition includes the residential density allowing only 13.5 units per acre. Based on this information, staff finds that the proposed conditional use permit meets this criteria.

(Criteria Satisfied)

5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**

The property has access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place.

(Criteria Satisfied)

6. **Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?**

The subject property has access to 40th Avenue South, which is a fully constructed arterial roadway. The existing driveway has been previously approved when the existing building was originally permitted. An additional right-in right-out is planned along 45th Street South that currently only has access to the lift station and has been reviewed by the Engineering department.

(Criteria Satisfied)

Recommended Condition:

1. The maximum residential density shall be a maximum of 13.5 units per acre.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the 1) zoning change from P/I, Public and Institutional to P/I, Public and Institutional and GC,

General Commercial with a C-O, Conditional Overlay; 2) minor subdivision **Southwest Fargo Mission Second Addition** as outlined within the staff report, and to approve 3) conditional use permit (CUP) to allow residential living in the GC, General Commercial zoning district on Lot 1 of the proposed Southwest Fargo Mission Second Addition, as the proposal complies with the 2003 Growth Plan, standards of Section 20-0906.F(1-4), Section 20-0907.B & C, Article 20-06, Section 20-0909.D and all other applicable requirements of the Land Development Code, with the following condition:"

1. The maximum density of this district shall a maximum of 13.5 units per acre

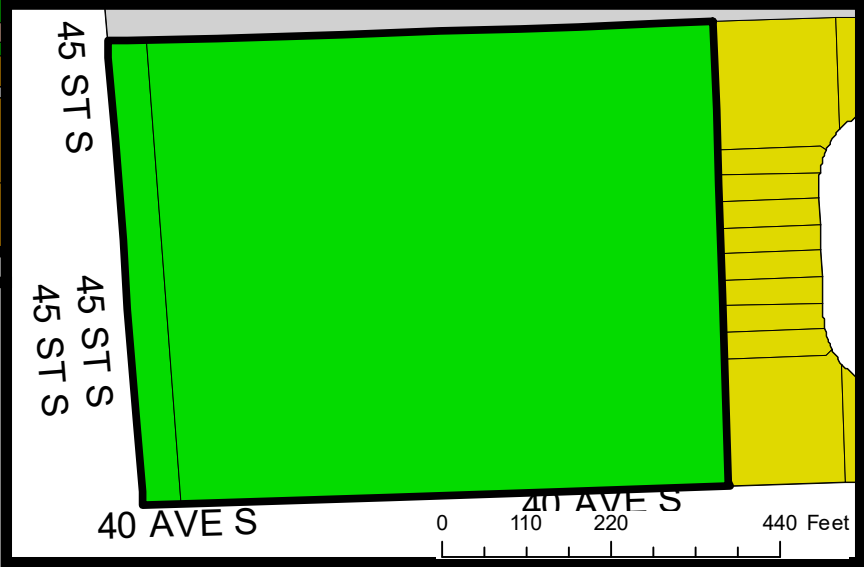
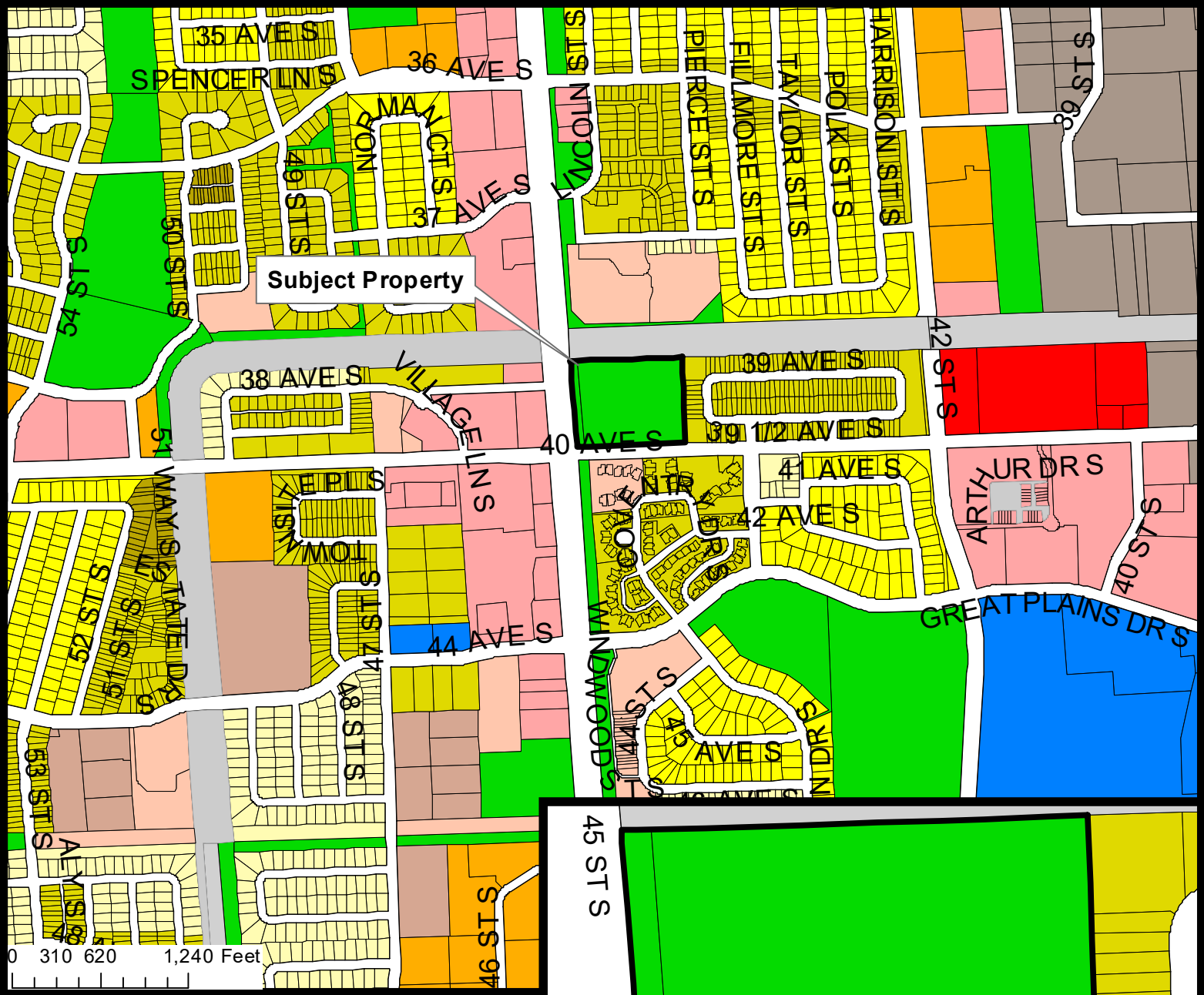
Planning Commission Recommendation: May 2, 2023

Attachments:

1. Zoning map
2. Location map
3. Draft Conditional Overlay
4. Preliminary plat

Minor Subdivision, Zoning Change from P/I, Public/Institutional to GC, General Commercial and P/I, Public Institutional with a Conditional Overlay & Conditional Use Permit for Residential Use in the GC Zone

Southwest Fargo Mission Second Addition 4451, 4455 & 4475 40th Avenue South



Legend

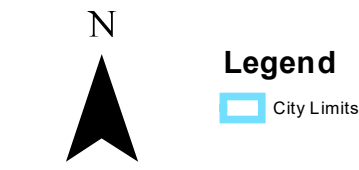
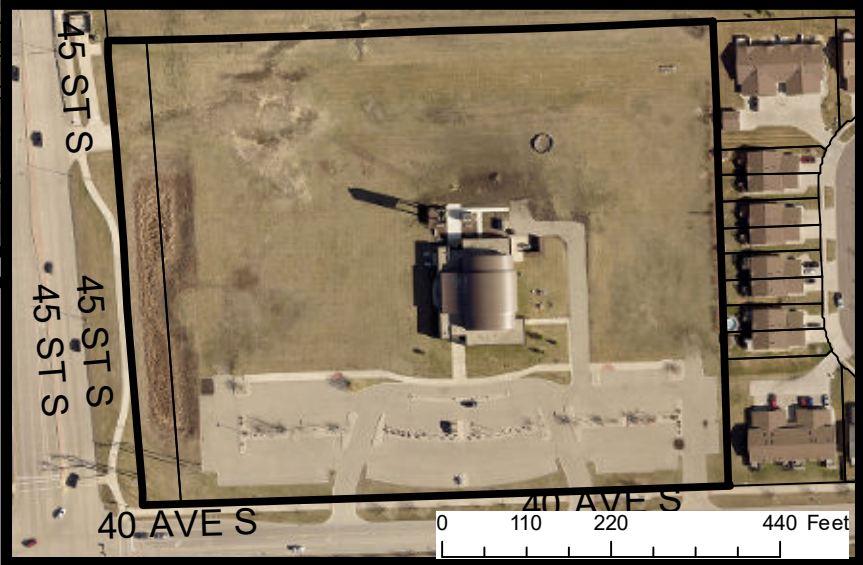
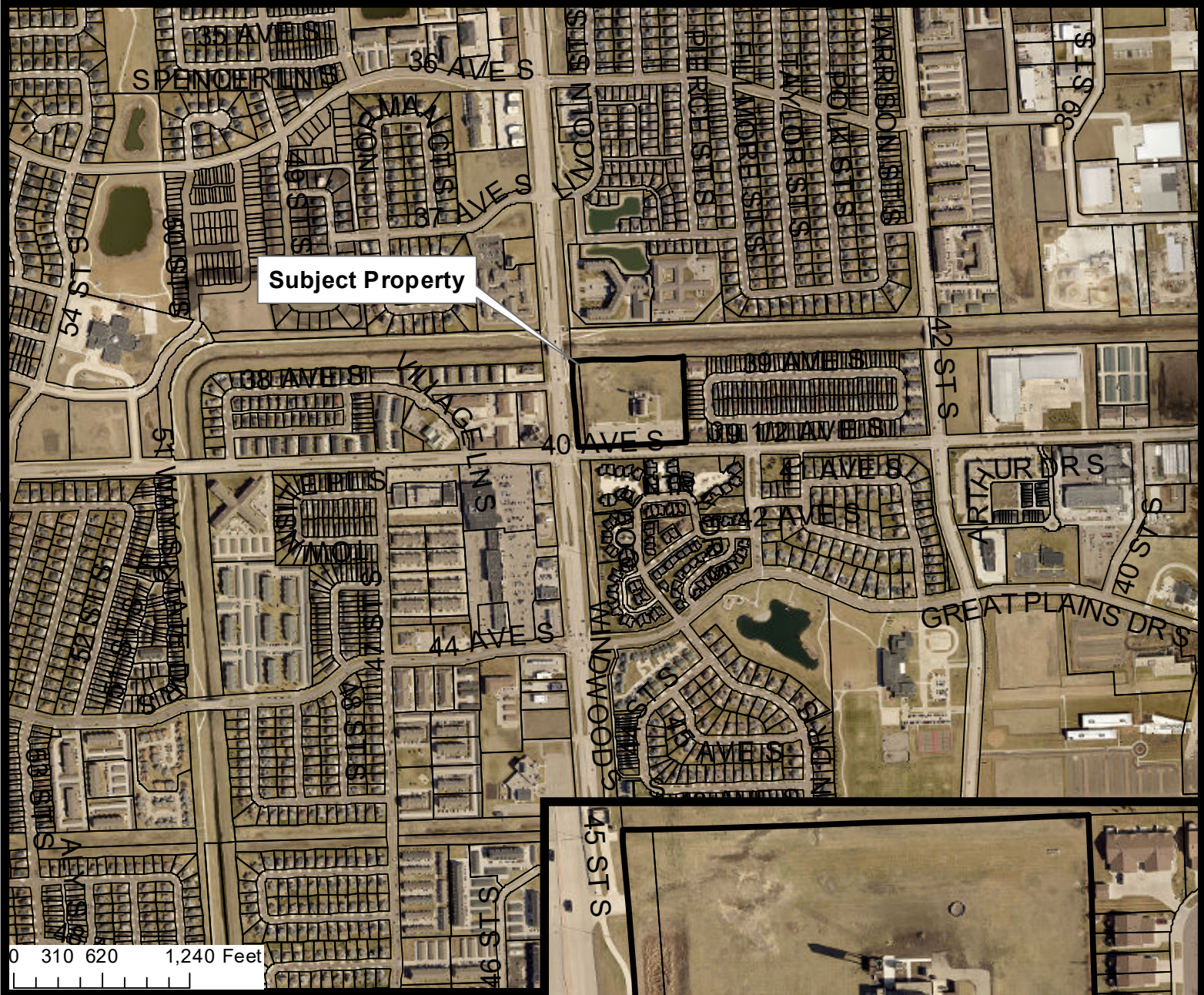
AG	DMU	LC	MHP	SR-2
CC	GC	MR-1	NOC	SR-3
GO	MR-2	P/I	UMU	SR-4
	MR-3			SR-5

City Limits



Minor Subdivision, Zoning Change from P/I, Public/Institutional to GC, General Commercial and P/I, Public Institutional with a Conditional Overlay & Conditional Use Permit for Residential Use in the GC Zone

Southwest Fargo Mission Second Addition 4451, 4455 & 4475 40th Avenue South



1. The following uses are prohibited:
 - a. Detention Facilities
 - b. Adult Establishments
 - c. Off-Premise Advertising Signs
 - d. Portable Signs
 - e. Self-Service Storage
 - f. Vehicle Repair
 - g. Industrial Service
 - h. Manufacturing and Production
 - i. Warehouse and Freight Movement
 - j. Wholesale Sales
 - k. Aviation / Surface Transportation
2. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; or glass. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building elevations/facades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least two feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet.
5. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. If the façade facing the street is not the front, it shall include the same features and/or landscaping in scale with the façade.
6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view. The average height of parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.
7. Loading facilities shall not be located at the front of structures where it is difficult to adequately screen from front view. All loading and service areas shall be screened from the view of adjacent public streets through a structure and/or landscaping.
8. Dumpsters and refuse containers shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way and residential. Dumpster and refuse container enclosures shall contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way or residentially zoned property unless the service opening incorporates a metal gate and/or landscaping to visually screen the dumpster or refuse container.

9. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. The primary entrance or entrances to each commercial building, including pad site buildings.
 - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
 - c. Parking areas or structures that serve such primary buildings.
 - d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
 - e. Any public sidewalk system along the perimeter streets adjacent to the commercial development.
 - f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
10. A minimum of 4.5 percent of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each lot shall consist of at least 15% of the lot.

SOUTHWEST FARGO MISSION SECOND ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT OF ALL OF LOTS 1 & 2, BLOCK 1, SOUTHWEST FARGO MISSION ADDITION
(A MINOR SUBDIVISION)

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 2023.

Brenda E. Derrig, P.E., City Engineer

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2023, before me, a notary public within and for said County and State, personally appeared Brenda E. Derrig, P.E., City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same as City Engineer for the City of Fargo.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 2023.

Rocky Schneider, Planning Commission Chair

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2023, before me, a notary public within and for said County and State, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 2023.

Timothy J. Mahoney, Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2023 before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Living Waters Lutheran Church AND KLC Holdings, LLC, a North Dakota limited liability company, owners of a parcel of land located in that part of the Southwest Quarter of Section 27, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

All of Lot 1 and Lot 2, Block 1 of SOUTHWEST FARGO MISSION ADDITION to the City of Fargo, according to the recorded plat thereof, on file and of record in the office of the County Recorder, Cass County North Dakota.

Containing 10.77 acres of land, more or less and subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owner has caused the above described parcel of land to be surveyed and platted as "SOUTHWEST FARGO MISSION SECOND ADDITION" to the City of Fargo, Cass County, North Dakota and does hereby vacate the negative access easement as shown on this plat for vacation and does hereby dedicate to Lots 1 and 2 the ingress/egress easement as shown on this plat for the purposes so stated.

OWNER: LOT 1
KLC Holdings, LLC

OWNER: LOT 2
Living Waters Lutheran Church

By: Kevin Christianson, President

By: owner, title

State of North Dakota
County of Cass

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2023 before me, a notary public within and for said County and State, personally appeared Kevin Christianson, President, KLC Holdings, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of KLC Holdings, LLC.

On this ____ day of _____, in the year 2023 before me, a notary public within and for said County and State, personally appeared name?, title?, Living Waters Lutheran Church, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Living Waters Lutheran Church.

Notary Public

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Shawn M. Thomasson, Registered Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat.

Shawn M. Thomasson, Professional Land Surveyor
North Dakota License Number LS-5900

State of North Dakota
County of Cass

On this ____ day of _____, 2023, before me, a notary public within and for said County and State, personally appeared Shawn M. Thomasson, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

LEGEND

- 5/8"x18" REBAR MONUMENT SET, CAP MARKED BY LIC. NO. LS-5900
- MONUMENT FOUND, 5/8" REBAR
- SUBJECT PROPERTY LINE
- SECTION LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING CONTOUR LINE PER CITY OF FARGO
LIDAR CONTOUR DRAWINGS NAVD88 DATED 2017
- AREA WITHIN 100 YEAR FLOOD PLAIN
- EXISTING NEGATIVE ACCESS EASEMENT PER DOC.#1077469
- EXISTING NEGATIVE ACCESS EASEMENT TO BE VACATED
- NEGATIVE ACCESS EASEMENT
- "Negative Access Easement, as noted on this plat, is an easement dedicated as part of the right of way dedication which easement denies direct vehicular access to a Street or public way from the Lot or Lots adjacent to such Street or way. The negative access easement is not a strip of land of any certain width, but is a line coterminous with the boundary of the adjacent Lot or Lots."

preliminary

BENCHMARK

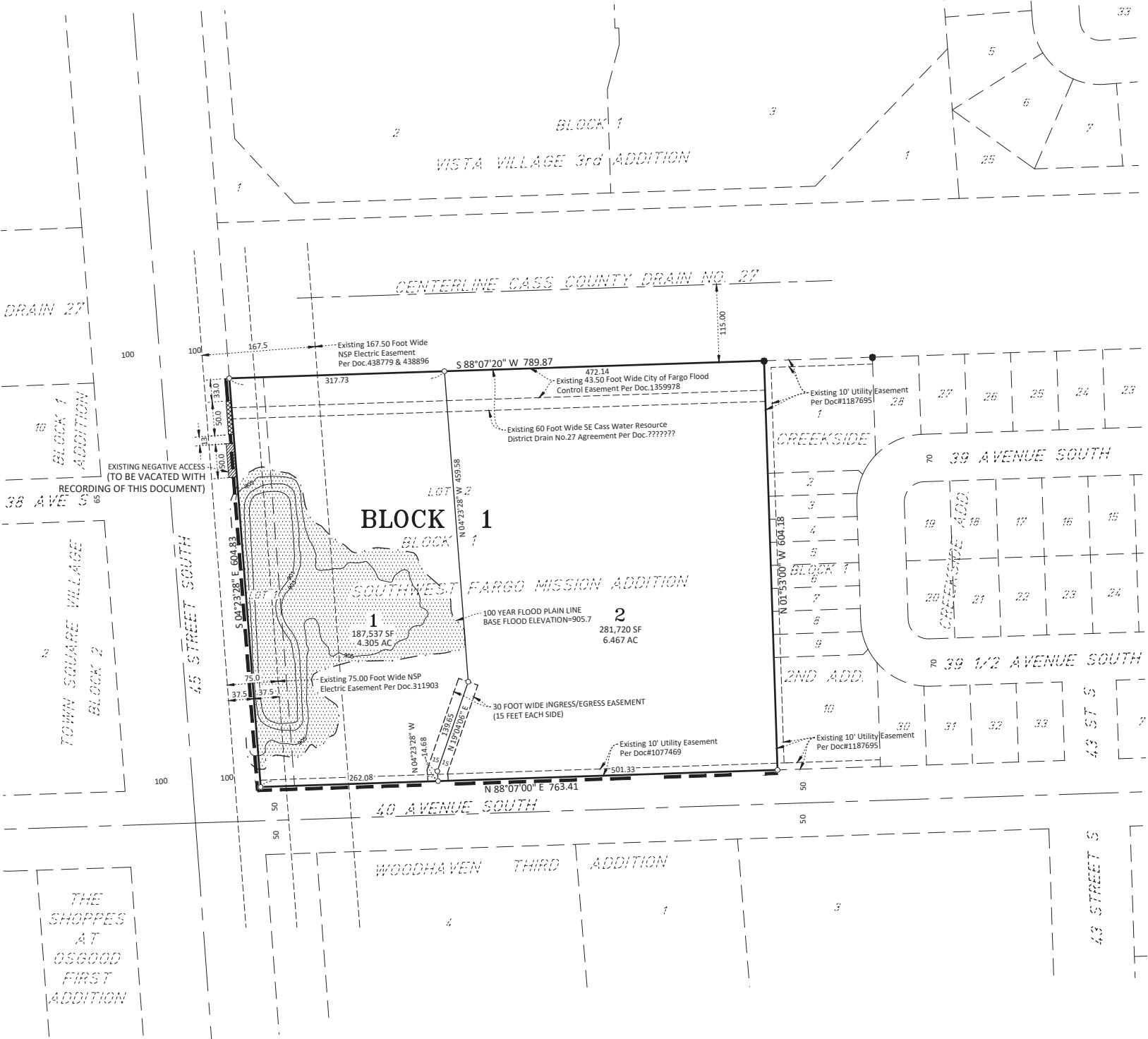
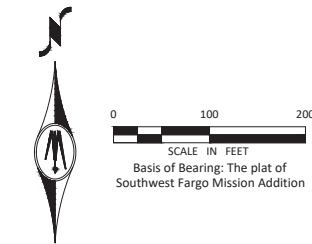
CITY OF FARGO BENCHMARK 174023 (SEFB OF FIRE HYDRANT)
LOCATED APPROXIMATELY 141 FEET EAST OF THE
NORTHWEST CORNER OF SUBJECT PROPERTY.
ELEVATION=908.82 NAVD88

NOTES

THIS PLAT LIES PARTIALLY WITHIN ZONE AE AS SHOWN ON
FLOOD INSURANCE RATE MAP NO. 38017C0778G, DATED
JANUARY 16, 2015.

ZONE AE: BASE FLOOD ELEVATIONS DETERMINED

BASE FLOOD ELEVATION: 905.7



PREPARED BY: